

"Let Her and Falsehood Grapple"

"So Truth be in the field . . . Let her and Falsehood grapple: who ever knew Truth put to the worse in a free and open encounter?"

— John Milton

WE now approach the very heart of the Government's case where truth and falsehood really come to grips. Since the death penalties for the Rosenbergs were based on a crime "not to the injury of the United States," and since these were to be the first carried out in peacetime, the prosecution found it necessary to enlarge the crime far beyond the stealing of a mere production detail such as the sketches of a lens mold. In order to justify the punishment of death, the charges included the stealing of the secret construction of the perfected atom bomb containing the implosion principle used in the one that destroyed Nagasaki. Here is the *Columbia Law Review* summary of this charge:

8. THE ALLEGED DELIVERY OF THE NAGASAKI BOMB PLANS*

"In [September] 1945 Greenglass, again in New York on a furlough, prepared a cross-section sketch and twelve-page explanation of the [Nagasaki] atom bomb based on overheard conversations and surreptitious investigations at Los Alamos. Ruth Greenglass and the Rosenbergs aided in the preparation of the report."

In his testimony it was Greenglass' claim that, despite the passage of more than five years, he remembered this cross-section and detailed description to the extent that he could reproduce in 1951 an *exact* copy of what he had delivered to the Rosenbergs in September of 1945. This "copy" was admitted into evidence as Government Exhibit 8.

Although we will deal here with other important matters raised in this episode, our primary concern will be an analysis of these two questions:

*For David's direct examination, see Record, pp. 489-500, 510-513. For Ruth's, see Record, pp. 702-705.

1. Is it credible that an ordinary mechanic with a total lack of scientific education or background formed the feat he claimed to have accomplished in the manner testified, *i.e.*, merely by asking scientists or by listening to snatches of their conversations?

2. Is it credible that the mentally limited Greenglass have reproduced Government Exhibit 8 in 6 years later, without aid or assistance of any memory?

Bearing these two questions in mind, let us turn to the testimony. Here it is in substance:

That during David's September furlough the morning after the flat of his mother. That on the morning Julius dropped up to ask for whatever information he brought. To which David claims to have replied, "A pretty good description of the atom bomb."

That Julius asked that the description be written down. That leaving gave David the sum of \$200. That David gave it over to Ruth but that "an argument" developed over it in which she protested giving the information to Julius. That Julius "overruled her" and said, "I have gone this far and so has she, too."

That after having eaten "brunch" Greenglass showed Julius the Nagasaki type bomb and wrote twelve pages of material. That, in addition, he "gave some scientific information" also . . . some possible recruits for espionage."

That about 2 o'clock that afternoon, when he received the report, he and Ruth drove to the Rosenberg apartment. That "very pleased," took the report into another room and said, "This is very good. We ought to have this type of report."

That David heard Ruth reply: "We will probably have to check the grammar involved."

That a bridge table and Ethel's portable typewriter were brought into the living room and, while Ethel did the typing, David aided her by having it "typed down in correct grammar." That the problem of deciphering David's handwriting was solved as follows:

[Ruth]: Well, Ethel was typing the notes and David was explaining her when she couldn't make out his handwriting. He explained the technical terms and spelled them out for her. Julius and I helped her with the phraseology which was too lengthy, wordy.

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Greenglasses stayed g after their arrival mation David had d, "I think I have a

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That this procedure took most of the afternoon and was completed at about five o'clock. That the handwritten notes were taken by Julius into the kitchen, burned in a frying pan and then taken into the bathroom where he flushed the ashes down the toilet drain.

Such is the gist of the Greenglasses' testimony, which was wholly and completely denied by the Rosenbergs, except for their recollection that their in-laws did pay them a visit or two during this September furlough in 1945.

Let it be emphasized that there was no supporting evidence or any witness to this episode. It was again an innocuous visit of a soldier home on furlough paying a family call which was extended into a conspiratorial meeting.

Concerning Greenglass' initial announcement to Julius, "I think I have a pretty good description of the atom bomb," once more we see the improbable use by a spy of the exact words "atom bomb." As in the case of Gold this explicit phrase had to be pinpointed in order to prove intent.

Concerning the payment of the \$200, here we have the curious phenomenon of Greenglass accepting without a murmur of complaint this paltry sum for the delivery of the greatest secret in world history! From the Joint Committee Report, we recall the statement: "In Greenglass' case, money may have been a distinct factor." How is it, then, that he does not make the slightest effort to obtain a larger sum from the Russians? After all, Gold had paid \$500 for the sketches of the lens mold which were insignificant compared to the Nagasaki bomb information. Certainly Greenglass, conscious of the gigantic size of the Los Alamos Project, knew that the secret was worth millions if not billions to the Kremlin. Why not make a real killing and ask for fifty or a hundred thousand dollars, or at least five or ten thousand? (Note: We will see Greenglass' later allegation that the Russians did not hesitate to pay him \$5,000 as initial expenses to leave the country.) But no, this would injure the Greenglass play for sympathy. And so we are asked to believe that the preposterous figure of \$200 was paid and accepted in exchange for the full secret of the Nagasaki atomic bomb!

Concerning Ruth's attempts to prove her opposition to David's spying, here as elsewhere we see the most transparent lying. On the one hand, she is strongly opposed to giving any information but, on the other hand, how eagerly she joins every phase of the conspiracy. If she is so opposed, why does she go along with David to deliver the bomb secrets? If she is so opposed, why does she volunteer "to correct the grammar involved"? Is it because she must be a witness to the typing ceremony so that she may later testify about it at the trial?

Concerning Greenglass' remarkable speed in preparing the cross-section together with twelve pages of descriptive matter in the few hours interval between "brunch" and 2 P.M., let us compare this to the time he kept Harry Gold waiting on June 3. On that occasion, with material that was comparatively elementary and which comprised only three or four pages of description, he required a period from 8:40 o'clock in the morning to three or four o'clock in the afternoon. Now, he dashes off the most complex scientific data almost three times as long in about one-third the time!

According to his testimony, Greenglass is still giving Julius (for the third time) the names of scientists and possible spy recruits. However, when later cross-examined, he can repeat only the *same* scientists' names given to Ruth in November of 1944, and to Julius in January of 1945. As for the ubiquitous recruits, again no names are offered, despite the fact that any one of these "recruits" appearing in court as Government witnesses would have proved excellent corroboration.

In passing, it will be observed how Greenglass always manages to tack on the incriminating phrases "recruits for espionage." Here, as in previous testimony, it is obvious he is dutifully following instructions to "get in" the damning phrase wherever possible.

Concerning the alleged typing by Ethel, we come again to what is perhaps the cruelest act in the history of frame-up: Greenglass' gratuitous incrimination of his sister. For let us remember that even if Ethel's guilt had any basis in fact, neither the FBI nor anyone else could have had any knowledge of it without his "voluntary" disclosures. However, Greenglass' own testimony betrays how mercilessly he "piled it on" her in compliance with the prosecution's instructions to tar her with the same brush as Julius.

In the first place, why was it necessary for Greenglass' September report to be typed, whereas his June report to Harry Gold remained untyped? Why is it that there was no mention about Greenglass' illegible handwriting when Gold and Yakovlev discussed the June report in such detail? In Gold's testimony of that discussion, we are told that Yakovlev reported that Greenglass' material "was extremely excellent and very valuable [and] had been sent immediately to the Soviet Union."* Hence, if we are asked to believe that Greenglass' June report was legible enough to transmit to "the Russians," why didn't this hold true for his September report?

Second, there is the clearest contradiction between Ruth's previous testimony and the present. Describing the January visit, she related

*Record, p. 831.

Therefore, according to Greenglass' trial testimony, he not only involved Ethel on the night of his arrest but did not withhold any information. But, as pointed out previously, his own confidential report to his attorney contains:

1. No mention of Ethel's complicity whatsoever.
2. No mention of Ethel's typing of the January report on the lens mold, nor anything about the episode of the Jello box arrangement by the Rosenbergs.
3. No mention of Ethel's typing of the September report on the Nagasaki bomb, nor anything about that episode.

In other words, we see that everything concerning Ethel's typing, *contrary to Greenglass' testimony*, was the result of his many months of conferences with Roy Cohn and the latter's confederates in the FBI.*

Nor can there be any support for the possible argument that Greenglass was reluctant to mention Ethel's guilt during that exhaustive twelve-hour interrogation of June 15. For we have seen by his report to Rogge that, whereas he made an attempt to lessen Ruth's guilt ("I made sure to tell the FBI that she was transmitting this info from my brother-in-law Julius and was not her own idea") concerning Ethel, there is not even a suggestion of shielding her.

In short, even if we try to believe that Greenglass is telling the truth on the witness stand and even if we provide the hypothesis that he involved Ethel only slightly at the start, his own written memo destroys that hypothesis.

In this matter of Ethel's typing there is a suspicious pattern one can trace to other trials supervised or conducted by United States Attorney Saypol. In the Hiss trial there was the alleged typing by Priscilla Hiss of the so-called "pumpkin papers." This allegation was categorically denied by Mrs. Hiss, and here is Alger Hiss' final comment before sentencing:

"I want only to add that in the future the full facts of how Whitaker Chambers was able to carry out forgery by typewriter will be disclosed."†

*[Greenglass]: When I came down to talk to the FBI I talked about a number of things; whatever their interrogation led to, it loosened the springs of my memory. . . . I signed statements, plenty of statements. (Record, pp. 601-602.)

†The Earl Jowitt, *The Strange Case of Alger Hiss*, Doubleday, New York, 1953, p. 344. See also Alistair Cooke, *A Generation on Trial*, Knopf, New York, 1952, p. 338.

But, forgery or not, the "evidence" of Mrs. Hiss' typing was a trump card in the prosecution's case. Thus it is not unlikely that Saypol calculated, "If the trick worked so successfully before, why not try it again?" And so he did! In the Brothman trial he had Bentley "confess" that she typed espionage notes dictated by Brothman and given to the Russians via Golos, who, of course, was conveniently dead at the time she testified.*

Somehow this repeated pattern of lady-spy-always-types-espionage-notes brings to mind the lament of many a mystery story devotee who finds an author utilizing the same hackneyed plot device in one book after another. So it is when one compares certain passages in the Brothman tryout with similar ones in the Rosenberg trial. For example, let us examine Greenglass' curious preoccupation with burning and flushing things down the toilet:

Q. [Cohn]: Do you know what happened to the original notes after the typing was completed?

A. [Greenglass]: The original notes were taken and burnt in the frying pan and then flushed down the drain.

Q. Who did that?

A. Julius did that.†

Strange, how cautious Julius was about these ashes, and yet in the Greenglasses' later testimony we will see how indifferent he was about keeping in his apartment a microfilming apparatus which he used to photograph Ethel's typed reports. But, to trace this particular pattern in the Brothman record, here is Miss Bentley again when she is asked what happened to her dictated notes:

Q. Did you hand them on to Mr. Golos in stenographic form or did you transcribe them?

A. [Bentley]: I transcribed them on the typewriter and then carefully burned the stenographic notes.‡

And here is Greenglass again, as he is being questioned about the escape money Julius allegedly gave him:

Q. [Cohn]: Now what did you do with the \$4,000?

A. [Greenglass]: Well, at first I had intentions of flushing it down the . . . I started to flush it down the toilet bowl.

But he didn't, and later we are told that this unflushed \$4,000 was paid by the Greenglasses to O. John Rogge as his retaining fee. Thus

*Brothman Record, p. 364.

†Record, p. 513.

‡Brothman Record, p. 483.

that Ethel did not find David's notes "hard to distinguish" because "she was used to his handwriting." Now with Ruth's testimony of the September visit, we are asked to believe that Ethel suddenly could not "make out his handwriting."*

In trying to visualize this scene as a true episode, one cannot help wondering why Ruth, an expert typist herself, made no effort all that afternoon to allow Ethel to do her housework or tend to her small two-year-old son. (Note: According to Ruth's testimony, the little Michael was present.) After all, Ruth was thoroughly familiar with her husband's handwriting and grammar. Besides, she was a working typist, whereas Ethel had not worked for many years. Since it was mid-afternoon, Ethel would have had to pay some attention to her child while the typing went on from 2:30 to 5 o'clock. There is nothing in the record that she put him to bed, or otherwise induced him to remain quiet. Under such circumstances, one would think that Ruth would have shared or taken over the typing entirely.

But no, Ethel had to do all of the typing, for she had to be cast in the role of a "full-fledged partner" of Julius.

Ethel's alleged persuasion of David to enter the conspiracy was hardly sufficient grounds to send her to the electric chair. And since she was tied down by housework and a child, there was little else they could "hang" on her save this act of typing. Hence, this had to be "blown up" by every means possible. Here is an illustration from Saypol's summation:

"On David's September furlough Rosenberg got from him the cross-section sketch of the atom bomb itself and a 12-page description of this vital weapon. This description of the atom bomb, destined for delivery to the Soviet Union, was typed up by the defendant Ethel Rosenberg that afternoon at her apartment at 10 Monroe Street. Just so had she on *countless other occasions* sat at that typewriter and struck the keys, blow by blow, against her own country, in the interests of the Soviets."† (Emphasis added.)

In the record, as we have seen, these "countless" occasions actually number two, both completely without corroboration. In fact, only *one* occasion is claimed to have been witnessed by the Greenglasses.

Let it be emphasized that the primary basis for putting Ethel Rosenberg to death was this alleged typing taking place during these two furlough visits of her brother. And yet, in David's handwritten

*Compare Record, p. 691, with p. 704.

†Record, p. 1523.

report to Rogge of what he told the FBI (hours after the interrogation) there is not Ethel or these conspiratorial visits.

What happens, however, when Greenglass after nine months of coaching? Here he is examination that he did implicate her in the very night of his arrest:

Q. [Bloch]: . . . You were continuously wee hours of the morning?

A. [Greenglass]: Well, if you can questioning, yes.

Q. That evening, did you at any time name to the FBI as being one of those who in this illegal work?

A. I did.

Q. And did you mention the name of

A. I believe I did mention her name, y

Q. Are you sure?

A. I can't remember now what I gave subsequent statements, yes.

Greenglass' evasiveness is understandable. the FBI's failure to arrest Ethel for almost same time it reveals the relentless process of involve his sister. Now Bloch tries to pin initial statement:

Q. No, no, we will come to subsequent try to concentrate and fasten your evening [June 15, 1950].

A. I haven't read that statement since know exactly what I put into it.

Finally, Mr. Bloch obtained this clear resp

Q. Are you now stating that you did tiously any information concerning your Alamos and elsewhere to the FBI autho June 15, 1950, and the early hours of t 1950?

A. [Greenglass]: That is substantially sis added.)

*Record, pp. 577-578.

it was quite fortunate for Rogge that Greenglass had had this change of heart as he stood there poised, as it were, on the horns of his dilemma, to wit: to flush or not to flush away those tainted thousands.

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*"As to her husband, she stated that he had a 'tendency to hysteria.' . . . She had known him since she was ten years old. She said that he would say things were so even if they were not."**

Since our examination of the testimony now concerns itself with the two vital questions dealing with David Greenglass' scientific claims let us review briefly his educational and technical background. His outstanding accomplishments, as we have previously mentioned, were: (1) he had failed all eight out of eight elementary technical courses in the first year of high school and (2) he had attended a trade school where he was taught the rudiments of auto mechanics.†

To demonstrate the utter absurdity of Greenglass' claims, Mr. Bloch, in cross-examination, put him through the following catechism:

- Q. Did you ever get a degree in science?
- A. I did not get a degree.
- Q. Did you ever get a B.S.?
- A. I did not.
- Q. Did you ever get an engineering degree?
- A. I did not.
- Q. Did you ever take courses in calculus?
- A. No.
- Q. Differential calculus?
- A. I did not.
- Q. Or thermodynamics?
- A. I did not.
- Q. Or nuclear physics?
- A. I did not.
- Q. Or atomic physics?
- A. I did not.

*From file memo of Robert H. Goldman, Rogge's associate, based on a confidential interview with Ruth Greenglass two days after her husband's arrest. (See Appendix 3.)

†Record, p. 611.

"LET HER AND PALS GO"

- Q. Or quantum mechanics?
- A. I did not.
- Q. Or advanced calculus?
- A. I did not.
- Q. Have you read any book in I have just asked you about?
- A. No.
- Q. Were you classified in the
- A. I was classified - I had two
- Q. What were they?
- A. One was automotive mach toolmaker.*

How, then, was it possible for to have comprehended the extraneous the construction of the Nagasaki have gathered the data bit by bit he able to reproduce it exactly, all from memory? For, Government's exact "copy" of the bomb's internal elements, their action and internal operation of the bomb itself!

Even to a layman these claims as fied scientists they are simply far see, not only would it have been understood what he was stating impossible for even a trained warrior after so many years entirely insisted, without assistance of any

To begin with the first impossible know what to look for? Here is that he did not know:

[Greenglass]: Well, he [Jo give me an idea of what the able to know what I am looking tion of what I later found dropped at Hiroshima...

He said there was fissionable at the other end of the cube also of fissionable material

*Record, pp. 611-614.

together under great pressure, that would be — a nuclear reaction would take place. That is the type of bomb that he described.

Q. [Cohn]: Now did Rosenberg tell you at that time why he was describing this type atom bomb to you?

A. He was describing it to me so that I should know what to look for, what I could —

The Court: He told you that?

The Witness: That is right.*

This primitive oversimplification would be akin to giving someone the "idea" of how to spy out the Navy's precise plans for the Nautilus (the atomic-powered submarine) by saying: "It contains a reactor into which is placed fissionable material, the heat of which turns water into steam."

This type of testimony, of course, is unassailable on any normal basis. Because if one should seek to demonstrate that Julius happened to be merely an electrical engineer,† with no background whatsoever in the mysteries of nuclear physics, then Roy Cohn could retort, "Oh, yes, but Rosenberg must have had his Russian specialists to brief him." Naturally such a charge would be impossible for Cohn to prove, but would that be really necessary in Judge Kaufman's court?

To return to Julius' purported instructions which were to light the way to comprehension for Greenglass, can anyone believe that this brief primer lesson would miraculously have turned an "automotive machinist" into a nuclear physicist? Here is the opinion of one of the scientists responsible for the success of the Manhattan District Project, the Nobel Prize winner Dr. Harold C. Urey, who appeared at a Congressional hearing on March 3, 1946:

"Detailed data on the atomic bomb would require 80 or 90 volumes of close print which only a scientist or engineer would be able to read."

And here is an excerpt from Dr. Urey's urgent telegram sent to President Eisenhower on June 12, 1953, one week before the execution of the Rosenbergs:

*Record, pp. 441, 493-494.

†Julius' field in electrical engineering was limited to the production of "radio receivers and transmitters and radio telephones." (Record, p. 1070.)

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"THE CASE AGAINST THE ROSENBERGS OUTRAGES LOGIC AND JUSTICE. . . A MAN OF GREENGLASS' CAPACITY IS WHOLLY INCAPABLE OF TRANSMITTING THE PHYSICS, CHEMISTRY AND MATHEMATICS OF THE ATOM BOMB TO ANYONE."*

Wholly incapable! These are the key words exposing this most serious perjury in the Government's case. Only one week after Judge Kaufman had sentenced the Rosenbergs to death the Joint Congressional Committee on Atomic Energy published their report stating about this precise point:

"The diagrams and written explanation . . . he [Greenglass] gave to courier Harry Gold have a *theatrical quality*. . .

"Not being a scientist, Greenglass lacked capacity to furnish this information. . .

"The bomb sketches and explanations that Greenglass — as a virtual layman — could prepare must have counted for little. . ."
(Emphasis added.)

To get back to Greenglass' claims, how was this virtual layman able to "snoop out" the complicated secrets of the Nagasaki bomb? Here is his testimony, smacking strongly of a set, rehearsed speech:

[Greenglass]: In the course of my work at Los Alamos I came in contact with various people who worked in different parts of the project and also I worked directly on certain apparatus that went into the bomb, and I met people who talked of the bombs and how they operated. . .

*It is worth recalling here that Dr. Urey was included in the prosecution's list of 102 Government witnesses and was among the 79 who were never called to testify.

In an analysis of the prosecution's reasoning with respect to the expert opinion of Dr. Urey regarding Greenglass' scientific claims, there are these two possibilities:

1. That Dr. Urey's testimony would have been favorable for the Government's case, or

2. That his testimony would have been detrimental.

It follows that, if his testimony would have helped the prosecution, he would have been called as a witness. Since, however, he was not called, the only conclusion one can draw is that the prosecution feared his testimony would be favorable to the defense.

Certainly, judging from Dr. Urey's telegram to President Eisenhower, his letters of outrage to Judge Kaufman and his oft-stated conviction that the Government had failed to prove the guilt of the Rosenbergs, the prosecution's fears were justified.

I would usually have access to other points in the project and also I was friendly with a number of people in various parts of the project and whenever a conversation would take place on something I didn't know about I would listen very avidly and question the speakers as to clarify what they had said. I would do this surreptitiously so that they wouldn't know.* (Emphasis added.)

Here we are asked to believe that there was never anyone present who might regard Greenglass' avid and surreptitious behavior as suspicious. We recall from Colonel Lansdale's testimony and Dr. Oppenheimer's brief filed with the A.E.C. the extraordinary degree of surveillance at Los Alamos, and that every scientist and technician knew of the existence of such surveillance.

Here are some excerpts from a graphic description of the security measures taken at Los Alamos: The "tech area" was separated "by heavily reinforced wire fences" and inside of this region "only certain persons" had access. And even within certain buildings there were "separately guarded rooms . . . entered only by the selectest of the select." "Lattice closes around lattice, wall around wall, control post follows control post. Every tenth inhabitant belongs to the security division. . . ." Even among the permanent employees at Los Alamos, we are further told, there was "nobody to ask indiscreet questions." If anyone was ever seen to be talkative someone was certain "to step in and admonish him with a gesture . . . of turning a key: 'Shut up!'"†

Later, during cross-examination, when Greenglass was pressed to name the particular scientists who allegedly told him how the bombs operated there was only this evasive reply:

[Greenglass]: Well, first of all a scientist — it was anybody who was employed up there as a scientist. That could be a G.I., a civilian, and I did procure for instance the fact that Baker was Bohr from a man who happened to be a scientist.

Instead of a responsive answer we hear the same familiar tune — that Greenglass happened to be told by a fellow G.I. that "Nicholas Baker" was a pseudonym for Dr. Bohr. Since this was a very far cry from proof that responsible scientists had actually given him sufficient secret information to result in Exhibit 8, Greenglass was asked:

*Record, pp. 493, 494.

†Jungk, *op. cit.*, see chapter "The Place Marked 'Secret,'" pp. 98, 102.

[Bloch]: Now, I believe on your direct examination us, in substance that you snooped around to get to isn't that right?

The Court: Don't shake your head. You had better. A. [Greenglass]: Oh, yes, yes.

Q. [Bloch]: And you would make it your business conversation or overhear conversations where you pick up information?

A. That is right.

Q. Now, could you give us just two instances of that you picked up that way?

A. I came into a room; there was a piece of material; I picked it up and I said "It is an interesting material and it is interestingly machined." The man I saw another man was there said, "Oh, that is neutron material explained how it was used, in a conversation." That is one instance.

Q. . . . Were these men, these employees, top scientists?

A. Now, look, every scientist had a white badge then.

[Note: In another part of his testimony, Greenglass he himself wore a blue badge which designated him knew what you were working on, but nothing further.]

Q. Were they white badge men? Let me put it this way.

A. One was a white badge man; one wasn't.

Q. All right, now go on to the second instance.

A. Another instance. A man came in to me with a piece of material; said "machine it up so that square corners, so I could lay out a lens; come over and I would go over to his place; he was a mathematician he had laid it out, and I would say, "What is the idea? tell me the idea."*

Thus, we are asked to believe that responsible scientists carefully briefed never to discuss anything with anyone properly authorized, would be taken in as easily. Greenglass testifies they were. We are asked to accept the fantasy merely by a pretense of curiosity ("What is the idea?") and "very avidly" and questioning the scientists "surreptitiously broke through every safeguard of security which even Los Alamos was acutely conscious of every moment of the night."

*Record, pp. 620, 623-624.

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On this point let us turn to the testimony of the Government witness whom Saypol put on the stand as an atomic expert. This was Dr. Walter Koski, who had been closely connected with the work done in the "E" building:

[Koski]: We were informed that all work done at Los Alamos was of a highly classified nature.

Q. [Saypol]: When you say "classified" do you mean that it was restricted or secret?

A. Secret.

Q. Was that knowledge imparted to you in the form of instructions on one or more occasions?

A. It was imparted to us verbally and by written material.*

Concerning Greenglass' second instance, his claim that he could so easily "pump" unwary scientists into imparting to him the "idea," here is Dr. Koski's testimony demonstrating the improbability of such a claim:

Q. [Bloch]: Mr. Greenglass was a plain, ordinary machinist, was he not?

A. Correct.

[Koski]: I do not recall the details about the machinists. I usually contacted their superiors.

Q. In fact, you very seldom had any conversation with any machinists, is that right?

A. Rarely, but not completely — on occasions we did have.

Q. It was very rare?

A. It was rare.†

Concerning Greenglass' claim that he could obtain vital atomic secrets by merely being "friendly with" and having "contact with various people . . . who talked of the bombs and how they operated," why didn't the prosecution produce a single one of these people to confirm such a claim? Whereas we are asked to believe that Greenglass found no difficulty in recalling, more than five years later, exactly what these scientists told him, his recollection just managed to fall short of naming a *single one* of these obliging souls.

By way of a final comment on Greenglass' "surreptitious" questioning and "very avid" listening, we must not forget that it was virtually impossible for him even to *understand* the specialized lan-

guage which these physicists spoke. Hence, if we believe Greenglass' testimony we must accept that these scientists would be able to translate their "alien" language into the limited English this "plain, ordinary machinist" understood. It will be remembered that Greenglass was handicapped by such elementary matters as grammar, spelling and vocabulary.

Let any layman, even one who has studied trigonometry or calculus, scan through a volume of quantum theory dealing with nuclear fission and he will see that it is as unintelligible as Sanskrit. In other words, even if Greenglass could have induced these scientists to explain the secrets they were working on it is doubtful that they could have found the means of communicating them to him. Here are a few examples of their vocabulary:

Quadrupole and dipole gamma radiation, electro-capillary, radio-active halogens, phasotron, synchrotron, betatron, relativistic particles, spectroscopy, excitation levels, deuterons, the dipole character of the meon, beta disintegration data, hollow anode, bromide isomers, mesonspinin, hyperfine structure of secondary spectra, Dorae X process, excited Indium — 115 nuclei, internal conversion from K_αC, phot-neutrons from beryllium, angular distribution and the symmetry of nuclear spin functions.

Actually, unless one has had the most intensive university training in physics, chemistry and higher mathematics, there is no possible way for a physicist to explain these terms to him. And the only thing Greenglass had learned as a student machinist at Los Alamos was his particular rudimentary work in machining a portion of the brass lens mold used for casting soft iron of a certain porosity. In direct testimony he admits his basic ignorance as to the nature or principle of what he was working on during his drive with "the Russian":

[Greenglass]: He wanted to know the formula of the curve on the lens . . . but the things he wanted to know I had no direct knowledge of and I couldn't give a positive answer.*

While we are examining this fundamental question of Greenglass' scientific capacity it is relevant to point out how Judge Kaufman prevented any test of it. This occurred when Saypol called to the stand a former liaison officer attached to the Los Alamos Project, one John A. Derry. He was asked his opinion on the value of the secret material represented by Government Exhibit 8. Mr. Derry's testimony was that the information contained in Greenglass' prepared "copy" would have been considered valuable and a classified top

*Record, p. 468.

†Record, pp. 480, 481.

*Record, p. 453.

secret back in 1945. *This was to be expected, since the prosecution would not have dared to have Greenglass prepare a copy of something that was not a secret!*^{*}

When, however, the defense attempted to ask Mr. Derry the all-important question relating to Greenglass' capacity to prepare such "copy" unaided, this is what happened:

Q. [Bloch]: Would you say as a scientist, a graduate engineer who has received college courses and obtained a degree in engi-

^{*}In other words, the defense did not contest that Greenglass could be coached to copy a cross section and memorize its "A, B, C, D" designations from material smuggled in to the eleventh floor of the Tombs.

On this assumption, Mr. Bloch was ready to stipulate that Government Exhibit 8 was secret material and voluntarily offered that it be impounded, i.e., kept confidential from the general public and restricted to the defendants, counsel and jury.

Bloch's viewpoint concerning this instance of courtroom strategy was that although the Atomic Energy Commission had declassified the material (in order that the defendants be apprised of the Government's accusations in accordance with law), nevertheless the Rosenbergs would not insist on forcing public disclosure of the exhibit and Greenglass' relating testimony. His theory was that whatever Greenglass might have been instructed to prepare and testify to had no connection with the Rosenbergs.

As for his offer to impound, evidently it took the prosecution by surprise, as evidenced by this initial reaction:

Mr. Saypol: That is a rather strange request coming from the defendants. (Record, p. 499.)

Seeing Saypol's confusion, Judge Kaufman quickly took control, saying, "Let me handle it." Whereupon he requested the spectators to leave the courtroom temporarily during the brief interval Greenglass' testimony on Exhibit 8 was presented.

The actual value of the so-called secret material can be estimated from the fact that Kaufman (and the A.E.C.) permitted the reporters to be present and while "not enjoined to secrecy" they were requested to exercise "good taste and . . . good judgment on the matter of publishing portions of this testimony." (See references to *Time*, *Life*, and *Scientific American* in later pages of this chapter.)

It is deserving of note to add that after the trial this defense strategy met with strong criticism in a pamphlet written on the West Coast in which "the scandalous manner . . . the judge took advantage of [Bloch's] errors" was the principal thesis. (See Irwin Edelman, *Freedom's Electrocution*, available through Mr. Edelman, P.O. Box 2505, Los Angeles, Calif.)

Although the writer of the pamphlet was not an attorney himself, some lawyers were impressed with the point — among them Mr. Fyke Farmer of Tennessee. The latter eventually entered the case on his own, raising the question of the applicability of the Atomic Energy Act of 1946 and precipitating the celebrated but short-lived stay of execution granted by Justice Douglas. (See *New York Times*, June 17-19, 1953.)

neering, and had the experience that you have detailed to us here, that a machinist without any degree in engineering or any science would be able to describe accurately the functions of the atom bomb and its component parts —

The Court: Objection sustained.

[Note: This is Kaufman's own objection.]

Mr. E. H. Bloch: May I finish it?

The Court: Yes.

Q. [Bloch]: — Both in relation to their independent functions and to their inter-related functions?

The Court: Objection sustained.^{*}

It was a courageous question for the defense to ask, for it went right to the core of the Government's case. It also bore great risk, since Derry was Saypol's witness and if he had replied in Greenglass' favor it would have been a disastrous blow to the Rosenbergs. Evidently Kaufman must have feared the reply more than the defense did, seeing how quickly he moved to seal off this one effort in the entire trial to shed light on this key question. This action was based on the technicality that it was a matter belonging in summation. In short, on the basis of a legalistic quibble the presiding judge withheld from the defense its one opportunity to probe into this crucial question.

While on the subject of scientific opinion it is significant to note that two government officials had been invited to sit at the prosecution's table, primarily for the effect it would have on jury, press and public.[†] They were introduced to the Court as Mr. Charles Dennison, Chief of Litigation for the Atomic Energy Commission, and Dr. Beckerly, also attached to the A.E.C.[‡]

Three years after the trial this writer came upon a startling news item in the *New York Times* of March 17, 1954. It concerned a speech given by one "Dr. James Beckerly, Director of the Atomic Energy Commission Classification Office," at a meeting of industrialists held at the Biltmore Hotel. After explaining that Dr. Beckerly was the man "responsible for classifying nuclear data," the *Times* went on to report:

^{*}Record, p. 916.

[†]Something akin to the presence of the generals seated with Secretary Stevens at the Army-McCarthy hearings. It will be recalled that McCarthy objected to the prejudicial effect of so much Pentagon power on the side of his opponent.

[‡]Record, p. 437.

"Dr. James Beckerly said it was about atomic 'secrets,' and time scientists are incompetent.

"The atom bomb and the hydro us by spies, Dr. Beckerly emphasiz

Since Dr. Beckerly, Director of the A.E.C., must be the same Dr. Beckerly the Rosenberg trial, we can only in teer to say the same thing in the court having this knowledge, with three hu lives and maintain a stony silence? months after the death of the Rosenbe it should have been his moral and patu their execution?

Even if we wish to believe in the mi feat of 1945, the second question still i duced, in 1951, the cross section an Nagasaki atomic bomb wholly from i trial?

Since there was no time given the expert opinion on this question,^{*} effi to secure independent judgment fro nately, there were several distinguishe (safely beyond the punitive arm inv to study the record and report their fir from their affidavits, sworn to and sig sular authorities in London and Par question and answer, was sworn to by former nuclear physicist at the Claren

"I have read the transcript of t glass, of Walter Koski and John A. Rosenberg and Ethel Rosenberg."

^{*}Even if such time had been accorded d that any American scientist would hav "friendly" to the defense by challenging ment's case.

[†]For full affidavits of Dr. Thomas Reeve Dr. James Gerald Crowther and Dr. John of Record, Supreme Court, October term

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er, Dr. Jacques S. Hadamard,
amond Bernal see Transcript
2, No. 687, pp. 115 to 127.

"Question: Could a person of Greenglass' background and experience have produced in 1945 the sketch of a cross section of the Nagasaki type of atom bomb, together with twelve pages of matter explaining the functions and workings of such a bomb and its component parts, drawing solely from memory and without the aid or assistance of any person or written matter or technical or scientific source of coaching?"

"Answer: . . . It is inconceivable that a man in the position of the said David Greenglass, without specialist training and experience, could have accomplished this feat in 1945.

"Question: Could a person of Greenglass' background and experience have produced in 1951 a replica of a cross section of the Nagasaki type of atom bomb . . . drawing solely from memory [etc.]?"

"Answer: . . . It is likewise inconceivable that the said David Greenglass could have reproduced the matter in question in 1951 without the aid or assistance of any person or written matter or help from any technical or scientific sources."

On this key issue of credibility, each scientist was also asked about his *own* ability to perform the feat of memory claimed by Greenglass. Here is the question and Dr. Kaiser's reply:

"Question: Could you, as a trained scientist, produce a sketch of a cross section of this type of atom bomb together with the approximate explanatory matter, drawing solely from memory alone five or six years subsequent to having terminated work or any connection with a technical problem of such complexity?"

"Answer: . . . While I could without difficulty produce sketches outlining the principles, involved in developments in which I participated some five or six years ago, I could not do more than this *without reference to notes made at the time*.

"For example, without reference to such notes I could not make detailed drawings of specific equipments. I certainly could not, *without reference to notes*, make a replica of the sections of any specific apparatus." (Emphasis added.)

Another affidavit was signed by Dr. James Gerald Crowther, a mathematician, a physicist and the celebrated author of many scientific works. He was also Director of the Scientific Department of the British Council (a government agency) throughout the war. His opinion is the same as that of Dr. Kaiser:

" . . . It would have been impossible for the said David Greenglass to have reproduced in the years 1950 or 1951 a reliable rep-

lica of a sketch of a cross section of the Nagasaki type of atom bomb.

"That the said James Gerald Crowther having read the transcript of the said testimony of the said David Greenglass is of the opinion that the testimony so far as it relates to the witness' recollection of technical matters taking place five years previously is valueless."

Another affidavit came from Dr. Jacques S. Hadamard of the University of Paris and former honorary chairman of the International Congress of Mathematicians of Boston and the Royal Society of London. It is substantially identical to those of his British colleagues. For example:

"It is inconceivable that Greenglass could have reproduced replicas of a cross section of the Nagasaki type of bomb plus explanatory matter after a lapse of five or six years, relying solely on his unaided memory.

"It is more inconceivable still that Greenglass would have given lengthy and detailed explanations not only of the component parts of the bomb, but also on their functions and workings; all [of which] he could not have any idea of and which nobody is alleged to have given him even an idea."

Another affidavit was signed by Dr. John Desmond Bernal, a professor of physics at Birkbeck College, University of London, and a former Scientific Advisor to the Ministry of Home Security and Combined Operations from 1939 to 1945. After demonstrating by documentary proof that *none* of the alleged sketches of the lens molds could have had any possible value to another nation unless one assumed that nation's *total* technical incompetence (in which case it could not have utilized the information), Dr. Bernal attests to the inevitability that Greenglass was coached with the following observation:

"Further, in the interval between his arrest in June, 1950, and the time of the trial in March, 1951, he had been interrogated several times on the subject of his alleged espionage and it is difficult to see how his memory could not have been influenced by the questions put to him in that interval."

Since, as demonstrated, it was impossible for Greenglass to have reproduced in 1951 Government Exhibits 2, 6, 7 and 8 without the assistance of coaches, books, drawings, etc., it follows that such assistance must have been provided during his sojourn with Gold on the

enth floor of the Tombs. And since the prosecution permitted Greenglass to swear that he had prepared these exhibits without any assistance this would not only constitute perjury but subornation of perjury.

In other words, the essence of the case against the Rosenbergs (Government Exhibits 2, 6, 7 and 8) appears to have been literally manufactured for the trial by Greenglass and Gold with the willful assistance of the prosecution and/or the FBI. But, whether due to Greenglass' mental limitations or to the precautions taken by the prosecution participants, the frame-up was inherently a botched piece of work. We recall the low opinion of his scientific testimony expressed in the Joint Committee Report. But even the editors of *Time-Life* publications voiced their disappointment with Greenglass' highly edited revelations. Here is *Time* magazine of March 26, 1951:

"Greenglass is no scientist, [in high school] he flunked eight courses out of eight, and some of his testimony made little scientific sense."

Here is the opinion of the science editor of *Life*, on the same date:

"Greenglass' implosion bomb appears illogical, if not downright unworkable."

And here is the incredulity expressed by the *Scientific American*, May, 1951:

"What the newspapers failed to note was that without quantitative data and other necessary information, the Greenglass bomb was not much of a secret."

It may be contended that the Rosenbergs were just as guilty even if Greenglass' snooping had resulted in partial failure, but this was not the prosecution's case. Greenglass claimed that he was successful, and, to prove it, he claimed to have prepared the "copy" of the Nagasaki bomb material unaided. We believe we have proved his claims utterly false and, indeed, the fact that his own handwritten memo does not contain mention of the most important act of the conspiracy is in itself proof of subsequent fabrication. In addition, his handwritten memo exposes a further perjury when Greenglass testified on the witness stand that he had told the FBI about the September visit to the Rosenbergs on the night of his arrest.*

In view of this last claim, it is highly significant that the alleged September episode — the core of the Government's case as well as

*Record, p. 594.

the most important act of the conspiracy — is not included in the list of Overt Acts charged in Indictment No. 3, dated Jan. 31, 1951, which was only six weeks before trial. What is one to conclude from this singular fact but that the prosecution, desperate to win a conviction at all costs, decided to add the Nagasaki bomb episode to Greenglass' testimony in the very last weeks before trial!

Is it any wonder that the fabrication turned out to be so shoddy, when one considers all the apparently hasty and off-the-cuff decisions of the prosecution to keep Greenglass "piling it on"? How readily he complied in his eagerness to win the lightest possible sentence for himself and how he "prinked and tinselled out" his specious testimony will now be seen in the series of additional crimes which he conjured up for the Rosenbergs.

"Not yet, not yet!
There's a great

IN its efforts to insure the maximum punishment for the Rosenbergs, as demonstrated in Chapter 13, the prosecution turned the trial into one of treason by relating Greenglass' testimony of Communism with intent to betray and to harm the United States. At the same time, the prosecution, by charging conspiracy to commit espionage, deprived the Rosenbergs of their constitutional rights as obtaining the advantage of hearsay.

However, although the prosecution under the Espionage Act, a considerable number of "major crimes" were committed during the period when the United States was at war with Russia, its ally. It was for this reason that the United States could not include in its charge intent to harm the United States. Hence, there was the danger that, if the Rosenbergs were fined to the wartime years, the death penalty might seem excessive. The viewpoint that had the Rosenbergs been arrested at the time of the crime, 1944-1945, when the United States had cordial relations with the Soviet Union, would have been not more than a few years' later. In short, it would appear too obvious that the Rosenbergs were being punished *ex post facto*. Further point to the prosecution was a real obstacle. The Act of 1946 prescribed the death penalty for anyone convicted of intent to injure the United States. (Justice Douglas felt at least morally that the death penalty was of execution.)

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— Alice in Wonderland

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It was for this reason that the prosecution made certain that there would be testimony extending the Rosenbergs' crimes well into the period of the Cold War. And it was for this same reason primarily that Elitcher fabricated the Catherine Slip episode of 1948 as well as the charge that Julius had requested him to remain in the employ of the Navy in that year for purposes of additional espionage.

It did not matter that the testimony extending the conspiracy beyond World War II was tenuous, without practical results, and that it smacked of being dragged in belatedly. What mattered only was that the defendants had to be accused of conspiracy during the postwar period when the Soviet Union was being excoriated as an enemy nation.

And so it was to effect this objective that David Greenglass' accusations of postwar espionage against his brother-in-law were made. In our presentation of the *Columbia Law Review* summary we designated this heading as:

9. THE ALLEGED THEFT OF THE PROXIMITY FUSE, ETC.*

To give the reader a general conception of the above et cetera, here is a preliminary breakdown of Greenglass' testimony regarding Julius' postwar espionage:

1. That Julius requested Greenglass to remain at the Los Alamos Project as a civilian worker following his discharge, but that Greenglass refused.

2. That, following Greenglass' return to civilian life, Julius offered to send him to a university with Russian money in order for him to take up nuclear studies and report on the progress of nuclear physics, but that Greenglass declined.

3. That Julius told him that one of his "boys" had obtained information concerning the "sky platform project" from the Government -- a project to create an American satellite "between the moon and the earth."

4. That Julius told him that "one of his contacts" had obtained the mathematical solution to the problem of atomic energy for airplanes.

It should be noted that all of this "et cetera" was confined strictly to conversations between Julius and David, with *no witness* to corroborate it -- not even Ruth Greenglass. In other words, aside from the inherent absurdities we will examine in the testimony itself, it

*For Greenglass' direct examination, see Record, pp. 510-519.

is the type of accusation which is possible only under the "four eyes" technique in which anything goes. It is in effect almost akin to the paralyzing accusation of witchcraft, for it will be remembered that, in all the history of such infamous procedures, no one was ever able to disprove that he or she was a witch.

Ordinarily, since none of these charges was substantiated in any shape, manner or form, it should suffice that Julius Rosenberg vigorously denied every one as completely false. However, let us examine and weigh their credibility one by one. Let us begin with Greenglass' direct testimony regarding the proximity fuse.

During the September, 1945, visit, while Ethel was allegedly typing up the twelve-page description of the Nagasaki bomb, it is Greenglass' claim that the following conversation took place:

[Greenglass]: . . . At this time Julius told me that he had *stolen* the proximity fuse when he was working at Emerson Radio.

The Court: Did he tell you what he did with that proximity fuse?

A. He told me that he took it out in his briefcase. That is the same briefcase he brought his lunch in with, and he gave it to Russia. (Emphasis added.)

It is Greenglass' further testimony that at this same time he mentioned his eagerness to "get out" of the Army as soon as possible. Whereupon Julius proposed that he remain at Los Alamos as a civilian employee following his discharge:

Q. [Cohn]: Did he tell you why he wanted you to stay there?

A. [Greenglass]: Well, he said that he wanted me to stay there so I could continue to give information.

Q. What did you say?

A. I said I would like to leave the place, I would like to come home.

Concerning Julius' alleged use of the word "stolen," to which the defense promptly objected, even Judge Kaufman ordered it stricken. It is perhaps a minor point, but it indicates how eager Greenglass was to provide what the prosecution needed. And here too we see the reason for Saypol's questioning of Elitcher, when the latter was asked if he had seen Sobell take secret material from Reeves in his brief case. It did not matter that Elitcher disclaimed knowledge of what papers Sobell carried in the brief case. All that mattered was that the jury was being told about a "brief case" used by Rosenberg's brother spy. Now, on the foundation of Saypol's insinuation, Roy Cohn con-

ucts another use of a brief case. However, instead of being used for smuggling out unknown documents this one is allegedly used to conceal a high-explosive weapon.

Let us recall from Chapter 14 the flat statement made to The Associated Press by the personnel manager of Reeves, namely, that the plant was considered "spyproof — with brick walls, daily building arches and closely guarded doors"; and that "Sobell could not have moved any written data because of the strict supervision of employees."

In view of this fact can we believe that the Emerson plant, entrusted with the production of a top-secret weapon such as the proximity fuse, would not be required by the government to take similar precautions? In fact, according to an inquiry made to Emerson executives after the trial, so thorough were these precautions that every part of every proximity fuse manufactured was checked and double checked, and records of this double checking showed 100 per cent inventory control of all parts as well as the completed product.

Finally, let us bear in mind that Julius had just been discharged from the Signal Corps in March of that year, 1945, by Army Intelligence on FBI charges of Communist Party membership. Is it likely that Julius (as a "spy-master"), realizing he was under strong suspicion, would have jeopardized his life and his wife's life by risking being caught red-handed with the proximity fuse in his brief case? Concerning Greenglass' second accusation, namely, that Julius requested him to remain as a civilian spy at Los Alamos after the war, there is very little one can say to disprove testimony couched in such vague terms as: "He told me to do such-and-such and I refused."

Let the reader try to disprove the charge, for example, that he told certain brother-in-law to keep his job at a bank in order to rob the vault for their mutual benefit. It is impossible to disprove such a charge as long as the brother-in-law can prove they were on speaking terms at the time.

Doubtless there were actual but innocent talks between Rosenberg and Greenglass concerning the latter's plans following his discharge, because we know that both went into business after the war. During such discussions David may well have mentioned that he was thinking of remaining at Los Alamos in view of the high wages paid to civilian machinists, and Julius may well have advised him to do so. Six years later, after nine months of prodding and hint-dropping during conferences, it was a simple matter for Greenglass to put a sinister twist to these normal discussions.

Proceeding to the next point in Julius' alleged postwar espionage — the offer to educate him in a university as a nuclear scientist on a Russian subsidy — here is the substance of Greenglass' testimony:

That soon after he had entered the partnership with Julius in 1946-1947 the latter had offered him Russian funds if he would go to college. That the Russians would "pay for part of [his] schooling and the G.I. Bill of Rights [would] pay for the other part. . . ." That the purpose was to cultivate people Greenglass had known at Los Alamos "and also to acquire new friendships with people who were in the field of research that are in those colleges, like physics and nuclear energy."

That the particular college Julius wanted to send him to was the University of Chicago because "it was doing a lot of good work in the field of nuclear physics." That alternate colleges were suggested such as Massachusetts Institute of Technology and New York University which "had a nuclear engineering course he wanted me to take."

That certain subsequent conversations took place in the years 1946 to 1949 during which Julius confided that he had "people going to school" in various colleges and that these students were being paid for "giving information to give to the Russians." And finally, that Greenglass did not accept Julius' offer:

Q. [Cohn]: Now did you ever agree to go to any of these schools?

A. [Greenglass]: I said I would try, but I never bothered.

In the first place, how could Julius realistically propose a course in nuclear engineering for Greenglass when he had not even passed elementary high school science and thus was not eligible for college? In the second place, why would the Russians send the unlettered Greenglass to college to find out what was going on in the field of nuclear physics when, according to the latter's own testimony, Julius had all those other spy students already "giving information to give to the Russians"? Finally, Julius could have used those other spy students to cultivate the university people Greenglass had known at Los Alamos.

It will be borne in mind also that the period in which Julius was supposed to have made these rash confidences was during the height of their business animosities, i.e., 1946 to 1949. The improbability of such confidences during these years is further evidenced by Greenglass' claim that he had performed his last act of espionage in Sep-

tember of 1945. In short, Greenglass member of the spy ring between 1945 believe his testimony, as a confidant to

ii

"At other times I come delirious. I he ran nude th 'elephants."

In our study of the anatomy of frame demonstrate how it is built up, not of and even full truths. In the accusation that one of his "boys" had stolen the plot "the sky platform project" — we have this technique operates. Let us therefore Greenglass from his accusations confidants and unnamed contacts into something than the theft of the Nagasaki atomic

Q. [Cohn]: Did Rosenberg mention projects concerning which he had one of his contacts?

A. [Greenglass]: Well, once in the [narrow], he mentioned a sky platform

Q. Did you have any conversation about sky platform project?

A. Yes, I had a conversation with privacy . . . I would say this was '47 gotten this information about the boys, as he put it.

Q. Did he tell you just what information by one of the boys concerning the describe it to you at all?

A. Yes, he did. He described it in

Q. How did he describe it?

A. He said that it was some large pended at a point of no gravity between and as a satellite it would spin around

*From Rogge file memo concerning Ruth husband's personality. (See Appendix 3.)

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Q. Did he tell you from what part of the country that information had been obtained, where the contact was?

A. I don't recall that. (Emphasis added.)

It will readily be seen that the technique used here is exactly the same as that dealing with the presence of Mrs. Sidorovich when she left prior to the arrangement of the alleged Jello box. To be sure, Bernard is very much present, but we observe that the espionage talk only comes "later" and "in privacy." In other words, it is testimony that seeks to support itself with the *apparent presence* of a third party, which, when not too closely examined, appears to give validity to what follows.

However, let us see out of what full truths this charge was created. First, there appears to have been a conversation which actually took place between the partners during a lull at the shop. But — it had nothing whatsoever to do with any "sky platform project." Here is Julius' direct testimony:

[Julius]: . . . I don't remember the specific incident but at that time . . . in the newspapers there was some talk about the Germans [having] done some work on some kind of suspended lens in the sky to concentrate the rays of the sun at the earth, and that is what I believe was the discussion we might have had at that time. Greenglass used to read the *Popular Mechanics* and the *Popular Science* and he always talked about things like that at the shop.

The Court: Did you read it too?

The Witness: No, I didn't.

Q. [Bloch]: Do you remember who initiated the discussion?

A. I can't recall.

Q. Did you ever say at that time that you got the information from one of your boys?

A. I did not.*

And thus another extension into conspiracy was born out of nothing more than Greenglass' adolescent fascination with interstellar space travel, superimposed on some idle shop talk. Here is the record showing the source of Greenglass' inspiration:

Q. [Bloch]: Did you read any scientific books while you have been in jail?

A. [Greenglass]: Just science fiction.

Q. That is a popular kind of scientific periodical?

A. That is right.†

*Record, p. 1108.

†Record, p. 610.

And here, from Mr. Pilat, is this further confirmation of Greenglass' literary bent:

"David Greenglass was keen on *Popular Science* magazine articles, and particularly keen on the possibility of interstellar space traveling.

"He was a quiet prisoner, absorbed most of the time in popular science fiction."•

It is all suspiciously reminiscent of Gold's absorption in spy and mystery thrillers. Evidently, with Greenglass too, his supplementary reading of such magazines as *Fantasy Stories*, *Amazing Stories*, *Weird Stories*, etc., must have contributed to similar flights of imagination. And it is most significant that an oft recurring theme in these interplanetary tales has an agent from the enemy power, usually named Petroff or Orloff, who is seeking to steal the secret of secrets from the Space Control lads, with the malevolent intent of blowing up the earth or the alternative of forcing its robot way of life upon the U.S.A.

When one discusses this alleged stealing of the sky platform project with anyone who has soberly followed the as yet insurmountable problems of space travel, the result is always a mixture of shock and laughter. In the first place, it appears there have been international interest and research in artificial satellites almost as far back as Jules Verne's stories in the last century.† And while it is true that such projects are theoretically possible today, they are still far from practical realization.‡

In examining Greenglass' final charge concerning Julius' post-war espionage — the theft of the Pentagon's plans for an atom-powered airplane — we will observe the same technique of utilizing the presence of a third party prior to the so-called espionage conversation. Here is Greenglass' direct testimony on this:

[Greenglass]: He [Julius] once stated to me in the presence of a worker of ours that *they* had solved the problem of atomic energy for airplanes, and *later on* I asked him if this was true, and he said that he had gotten the mathematics on it, the mathematics was solved on this.

Q. [Cohn]: Did he say from where he had gotten this?

A. He said he got it from one of his contacts. (Emphasis added.)

•Pilat, *op. cit.*, pp. 249 and 277.

†See Willy Ley, *Rockets, Missiles and Space Travel*, Viking, New York, 1951, for bibliography on satellites published as early as 1899.

‡See article by Waldemar Kaempfert, "A Sober View of Space Travel," *New York Times*, July 26, 1953.

Requesting clarification, Mr. Bloch interrupted to ask for the meaning of "they" and Greenglass replied that "they" meant certain American scientists (unnamed).

Here again the partial presence of a third party (this time an unnamed worker) is introduced to lend credibility to the conspiratorial portion "later on."

iii

Perhaps due to the complexity of the court record, the *Columbia Law Review* summary does not present the Government's case in true chronological sequence. This, of course, is unimportant as long as each vital point is covered. However, since many readers may wish to follow this analysis in conjunction with the record, we will continue our examination of Greenglass' testimony as it went on from the subject of espionage into that of:

13. THE ALLEGED REWARDS GIVEN THE ROSENBERGS*

Here is David Greenglass relating what Julius had told him concerning the various rewards received from the Russians:

[Greenglass]: He stated that he had gotten a watch as a reward.

Q. [Cohn]: Did he show you that watch?

A. He did.

Q. Can you remember when Rosenberg told you about the watch?

A. I believe it was in January, 1945.

Q. Now, did he mention anything else that he or his wife had received as a reward from the Russians?

A. His wife received also a watch, a woman's watch, and I don't believe it was at the same time.

Q. When were you told about a watch that Mrs. Rosenberg had received, do you remember that?

A. I don't recall when that was but I do recall that my wife told me of it.

Q. Now was there anything else that they received which they told you about?

A. I believe they told me they received a console table from the Russians.

Q. A console table?

A. That is right.

Q. When did they tell you about that?

A. That was after I had gotten out of the Army.

Q. Did you ever see that table?

A. I did.

Q. At their home?

A. I did.

Q. Now, did he tell you he received anything along with that watch?

A. He said he received a citation.

Q. Did he describe the citation at all?

A. He said it had certain privileges with it in case he ever went to Russia.

Here, then, were the rewards that the Rosenbergs allegedly received from the Russians:

1. One wrist watch for Julius.

2. One citation carrying certain privileges should Julius ever visit Russia.

3. One wrist watch for Ethel.*

4. One console table.

Since we will soon deal extensively with the matter of the console table, let us turn to Greenglass' cross-examination concerning the watches and the citation. Regarding Julius' watch, Greenglass described it as "a round dial watch with a sweep second hand, and . . . a leather strap." Now Mr. Bloch asks him to describe Ethel's watch:

Q. [Bloch]: Did you ever see the watch that you say Ethel got from the Russians?

A. [Greenglass]: I might have seen it but I didn't — I didn't —

Q. Didn't what?

A. Well, I wasn't told that that was the watch.

Q. Can you describe the watch that you saw on Ethel's hand or any time when she had a watch on her hand in her possession?

A. I can't describe that watch, no.

Let us note for the present both the evasiveness and the flat admission that he cannot describe it. Now Bloch asks Greenglass to be more specific about the citation:

*In Ruth's testimony there is no mention whatsoever of the wrist watches or the citation.

Q. . . . Did you ever ask him to

A. I never asked him to show it

Q. Did you ever see it?

A. I did not see it, but he said privileges that went along with it

Q. Now did he tell you in any

A. I don't believe he did.*

It is surely appropriate to quote him to Judge Irving Kaufman concerning struck with upon studying the citations was on this point:

"Is it customary for spies to be watches?"

In addition, Dr. Urey asked how was in cash"? And regarding the allegation rash confidences so indifferently to this query:

"Again, do spies talk about the and relatives? Gold and Fuchs did

In the blanket denials of the Rewards,† one learns that Ethel's watch as a birthday gift for \$30 while he was when for the first time in his life he was per week. Since, with overtime, he was at Emerson, it is surely understandable chosen such a time to buy his watch. It also that the prosecution did not did we examine Ethel's testimony we find only wrist watch she had ever owned teens there had been one other was brother, Sam, who was in the whole been lost while at the beach.

Concerning Greenglass' evasiveness el's watch, in his testimony he stated attention as a gift from the Russian.

*Record, pp. 629-630, 631-632.

†For full letter, see *National Guardian* Editor of New York Times, same date

‡For Julius' direct examination about it 1136. For Ethel's, see Record, pp. 1941

*In the next chapter we will return to the *Columbia Law Review* summary concerning the remaining headings, i.e., Nos. 10, 11 and 12. Note: For David's direct examination, see Record, pp. 520-523.

show you that citation?
to me, no.

there was — there were certain
at.
detail how that citation read?

re from Dr. Urey's famous let-
ting the grave doubts he was
One of his challenging ques-

aid in console tables and wrist

it that Greenglass was “paid
that Julius had made so many
hostile Greenglass, there was

activities with college friends
not.”†

enbergs concerning these re-
was actually bought by Julius
employed at Emerson in 1945,
ned a salary of more than \$70
aged as much as \$100 per week
e that a husband would have
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ute this purchase. And when
that this birthday gift was the
luring her married life. In her
h given to her by her oldest
ale jewelry line, but this had

and inability to describe Eth-
at Ruth had brought it to his
Why, then, didn't he notice it

on Ethel? Are we to believe that she never wore it in her brother's
presence in all the years from 1945 to 1950? And if it be true that
Julius proudly displayed his Russian watch at the time he received it,
why would Ethel hesitate to show hers? And if we are asked to believe
that Ethel told about or showed the watch to her sister-in-law, then
why is it that there is no corroboration of this from Ruth?

The reader will recall that on the night of Julius' arrest his apart-
ment was thoroughly searched. From a bureau drawer the FBI took
possession of a number of “old watches that did not work.” Among
these were two “cheap pocket watches that were broken” and one
that did have a sweep second hand. However, this last one turned out
to be a Father's Day gift which Julius had bought for his father
“before he died.” Later it was given back to Julius by his mother to
keep as a memento. Moreover, this watch had been purchased with
the help of Ethel's brother, Sam, and therefore its purchase could be
confirmed.

Despite the meretriciousness of this “evidence” all of these old
watches were presented as such by the prosecution, including one
“ancient watch” in a black hunting case with a yellow chain, which
Julius had inherited from his father. And yet, not a solitary one was
identified by Greenglass as a wrist watch received “from the Rus-
sians.”

Concerning the “citation,” we come upon another pattern indicat-
ing some more of the “eleventh floor” collusion that took place be-
tween Gold and Greenglass. First, however, let us ask how it is
that Julius, so boastful as he displayed his watch, did not also display
his citation, especially since he received it “along with that watch”?
And how is it that there was no normal curiosity on the part of the
hero-worshipping David to see such an unusual document? All of
which causes one to wonder why Greenglass himself was not awarded
a citation, or at least a wrist watch.* After all, had he not given the
Russians the most valuable secret in world history? And if it be argued
that Greenglass had already received his reward of \$200, or that cita-
tions were reserved only for the “dedicated,” then why is it that
Harry Gold, the *anti-Communist*, was “awarded” the Order of the
Red Star? Here is the very climax of Mr. Hoover's *Digest* article de-
scribing this award:

*One cannot help surmising that the stimulus for this piled-on testimony
concerning Russian wrist watches may have stemmed from the many reports
of barter in wrist watches between fraternizing American G.I.'s and Red
Army soldiers during World War II.

“Gold had been awarded the Order of the Red Star for his out-
standing work on behalf of the U.S.S.R. . . . one of the privileges
of the award was free trolley rides in the city of Moscow!”

Since, in his testimony, Greenglass neglects to describe the exact
privileges Julius would have received in Russia, are we to assume
that these would have included free rides on the Moscow subway?

iv

*“He talked of suicide as if he were a character in
the movies but she didn't think he would do it.”**

In analyzing the postwar testimony against the Rosenbergs, we find
that the most crucial issue centered about the so-called Russian con-
sole table. How important an issue it became can be seen from the
fact that the total testimony concerning it constituted some seventy-
five pages of the record, or twice that of the direct testimony of Ruth
Greenglass. Not only was this table described as a Russian reward,
but also as a secret piece of microfilming apparatus. However, more
important for our study of it was the conflicting testimony between
the Greenglass version and that of the Rosenbergs, who maintained
that it was an ordinary, harmless, cheap table they had purchased at
R. H. Macy's for \$21.

In essence, therefore, this testimony involves the basic question of
credibility: Were the Greenglasses lying or were the Rosenbergs ly-
ing? In our analysis, we will find sufficient reasons demonstrating that
it was the Greenglasses who had lied, but in addition we will show
by the actual discovery of the table long after the trial (and before
the executions) that the testimony of the Rosenbergs was truthful
in every respect.

It should be stated emphatically that the jury never saw the table.
It was never produced by the prosecution, nor was it ever explained
why it was not available. Instead, the “evidence” consisted of a group
of photographs of various tables purporting to *resemble* the Rosen-
berg table. These photographs became Government Exhibit 28.
Other than this “sample” evidence there was *only* the unsupported
word of the Greenglasses that it was a Russian gift and — as the
Columbia Law Review puts it — “suited for espionage purposes.”

*From Ruth Greenglass' description of David's “tendency to hysteria.”
(See Rogge file memo, Appendix 3.)

Since we have already covered David's brief reference to the table on direct examination, let us turn to his cross-examination, as Mr. Bloch asks him to describe it:

[Greenglass]: Well, they had it up against the wall. It is a dark color, mahogany probably. It is wider than that table right there (indicating) — I mean the length.

Q. [Bloch]: Mr. Greenglass — but you are a machinist, you understand that description of lengths don't show up by this table, because that doesn't appear in the record. . . .

A. I would say it was about — you see the top of the console table, one side lifted up so it made an "L" if you had it against the wall, and that is the way I saw it. With the "L" up against the wall, it was about three and a half feet, maybe three feet long (indicating), except that is the width when the console table is opened up and the part of the table underneath the head or the board on top is about two feet wide.

Q. And was that console table used for eating purposes?

A. That console table was used for photography.

Q. For photography?

A. That's right. Julius told me that he did pictures on that table.

Q. Were you ever at the Rosenbergs' house when food was served on that table?

A. I might have been.*

How difficult it is for Greenglass to describe a simple thing like a table seen only two years before, when he has no difficulty at all with the twelve-page description of the Nagasaki bomb which he had never seen, but only heard about in surreptitious snatches more than five years before! Nonetheless, we see that he describes the table as simply a table! His only reference to photography is that pictures were made "on that table" just as food was served on it. *He describes no hollowed-out area underneath the table.*

Such being the sum total of David's version, now let us turn to Ruth's direct examination:

Q. [Kilsheimer]: Did you have a conversation with the Rosenbergs concerning that table?

A. [Ruth]: Yes, I did.

Q. And was your husband also present?

A. I think he was, yes.

Q. Now will you tell us what that conversation with this console table as best you

A. I admired the table and I asked her for a new piece of furniture; she said she had gotten it as a gift and I said it was a friend, and Julius said it was from his kind of table, and he turned the table over to show me the underside. It was so special.

Q. And what did he show you on the other side?

A. There was a portion of the table under a lamp to fit underneath it so that it could be used for photography purposes, and he said it darkened the room so there wouldn't be anyone looking in.

Q. And did Julius Rosenberg tell you about using the table?

A. Yes. He took pictures on microfilm. (Emphasis added.)

At once we see that David was present when the table was turned over. And yet, in his description, the table's underside was hollowed out. It is probable that Greenglass would have forgotten so soon after the jury on the Russian console table, or shortly after David's testimony on this subject preceded the trial by four hours. Since so important a point was made of what is most probable is that the table was turned over and showing its underside had the time of Greenglass' testimony.

We see also that, in David's version, it was from the Russians, that the table was "from the Russians," it becomes a gift from "a friend." Why did he quickly switch to "a friend" in Ruth's testimony? We see that this change was designed to account for the testimony of a rebuttal witness whom they called to appear against the Rosenbergs. (Note: an elderly woman who had helped Ethel Rosenberg in 1944-1945 when the latter was ill.)

Concerning Ruth's testimony about the table, here is another example of "piling it on."

*Record, pp. 630-631.

*Record, pp. 706-707.

ation was in connection with the recall of it?

When she bought a table, she had a gift to get from a friend and it was a special side to show us why

turned the table on its

was hollowed out for light. It could be used for a lamp. He used the table he had bought. Other light and he

that he photographed

of the typewritten

nce he saw the table, there is no indication that it was likely that both Cohn and a morsel to serve the table. He said under the table. It's by almost twenty. It's hardly be neglected, Julius turning over. It had been fabricated at

Greenglasses were told Julius in Ruth's version, David's "Russians" so. Why? Later, we will date the subsequent execution had induced. It was Mrs. Evelyn Cox, her housework in the

darkening the room, the first place, if Julius

had been doing any kind of microfilming the room would have to be darkened in any case. Hence the melodramatic detail about Julius not wanting to be seen is sheer nonsense.

As for Ruth's description of the "hollowed-out" portion, one cannot tell whether or not there was a hole cut through the top for a light to shine upwards, possibly through a frosted glass. If there was such a hole, then it would certainly have aroused the curiosity or suspicion of any visitor or cleaning person including Mrs. Cox. Her testimony, however, is devoid of any hollowed-out portion. And if there was no such hole cut through, how was the lamp underneath supposed to function for "photographic purposes"? This explains why the prosecution did not dare to bring in a table "doctored" to fit Ruth's testimony. Its impracticability could have been demonstrated easily by any photographer. The smallest microfilming apparatus available is approximately the size of a 17-inch television set.* A medium size is as big as a kitchen gas range plus oven, and a large size would be considerably bigger than the console table itself. All such apparatuses, moreover, are self-contained units requiring no "hollowed-out" table for light concealment. Instead of taking the risk of "faking" a table, the prosecution relied on the jurors' imaginations while they studied the photographs of "similar" tables which Saypol passed among them at strategic moments.†

Apparently, Ruth's last point was designed as the *coup de grâce* for Ethel, since it was her typewritten notes that were allegedly microfilmed and sent on to the Russians. But why did the "spy-master" Julius need to bother at all with his cumbersome and risky console table? Why didn't the Russians simply assign to him the services of one of their many professional photographers?‡ Why is it that Julius didn't avail himself of the services of Sobell, who owned the 35-mm. enlarger and allegedly photographed the documents taken from Reeves?

So much then for the credibility of the Greenglass testimony. Now let us turn to that of the Rosenbergs. Here is Julius on direct examination:

*Dimensions of a smaller-than-average table model are: 13½ inches high, 23 inches deep and 32 inches wide. The smallest portable available has these dimensions: 13½ by 13 by 20 inches. (Information obtained from Burroughs Corp., 219 Fourth Ave., New York City.)

†Record, p. 1207.

‡In Whittaker Chambers' claimed espionage exploits, he told of a certain photographer named "Felix" who microfilmed for him the Alger Hiss "pumpkin papers." (The Earl Jowitt, *op. cit.*, pp. 53 and 211.)

Q. [Bloch]: Now, from time to time . . . at that apartment, did you have occasion to purchase new furniture?

A. [Julius]: Only once did I purchase a new item.

[Note: The undisputed record shows that the Rosenbergs borrowed their first furnishings from the Steingarts, and that they purchased only second-hand furniture thereafter. Record, p. 1358.]

Q. What item was that?

A. A console table.

Q. And when did you purchase that?

A. I would say it was either in 1944 or 1945.

Q. And from where did you purchase that console table?

A. From R. H. Macy & Company.

Q. And how much did you pay for that console table?

A. It was somewhere about \$21.

Q. Did you ever receive a console table from the Russian government?

A. I did not.

Q. How much did you say you paid for it?

A. Somewhere in the neighborhood of \$21.

Q. Was it subsequently delivered by R. H. Macy Company to your home at 10 Monroe Street?

A. It was.

Q. Now, was the table that you purchased at Macy's the same console table that was in your home at the time the FBI finally came around to arrest you?

A. Yes, it was.*

Observe that the table was purchased as early as 1944 or 1945. This date is later confirmed by Mrs. Cox, the Government's witness.† But it will be recalled that Ruth testified she admired the table as a "new piece of furniture" in 1946. And yet Ruth could have seen it at the Rosenbergs in the latter part of 1944, when she left for New Mexico and when she returned. As for 1945, there were the Greenglasses' visits of January and September. Hence Ruth is clearly lying when she claims to have seen the table for the first time in 1946.

*Record, pp. 1054, 1136-1137.

†Record, p. 1408.

During the cross-examination of Julius the following technique was used by Saypol in trying to cast doubt on the witness' veracity:

Q. [Saypol]: Let us have a little talk about this console table. Is your best recollection that you bought that at Macy's in 1944 or 1945?

A. [Julius]: That is about the best I can recall, sir.

Q. Do you remember what day of the week it was that you bought it?

A. Well, I can't recall. It is too many years ago. . . .

Q. Now, do you remember who the salesman or the saleslady . . . ?

A. Mr. Saypol, I can't remember a thing like that.

What day of the week did the reader buy a chair or a table six or seven years ago? Who was the salesman or saleslady at the department store who sold it? Certainly, a Harry Gold could "remember" the exact day and exact sales person (and doubtless describe the weather and time of day), but what normal person can truly remember such trivia?

In the ensuing questions posed by Saypol there was the effort made to give the jury the impression that the table was something "special" and quite expensive. However, its cheap, rickety construction becomes apparent when we read Julius' prosaic fix-it-yourself description:

[Julius]: . . . It had a lot of use for eating on. The top of the table kept falling off because the two wooden screws that held the studs at the top of the table stripped the threads and I used two little match sticks in there to try to keep it tight.

It was at this point that Saypol offered into evidence Government Exhibit 28, and it will be observed that the pictures were of expensive tables:

Q. [Saypol]: Now, I have got a couple of pictures of tables here, Mr. Rosenberg . . . Tell me which of them most closely resembles the console table you bought for \$21 in Macy's, in 1944 or in 1945?

A. [Julius]: Well . . . but it was much plainer looking than this, Mr. Saypol. This has all the frills and curves in it. It was straight over here (indicating); straight over there (indicating); I don't think it had all these (indicating).

" 'CONSIDER YOUR VERDICT,' "

Mr. Saypol: May I put this before The Court: Yes.

(Exhibit shown to jury.)

Q. Now, you say that the illustration of the console table?

A. Doesn't represent it.

Q. Well, you say that your table was

A. That's right; looked different

[Note: At this point, of course, the jury was studying the pictures of the console tables which Julius had just pointed out to them against the strong visual reaction to the illustration.]

Q. [Saypol]: Now, you bought this table during the war; is that right?

A. That is correct, sir.

Q. Don't you know, Mr. Rosenberg, that the console table in Macy's if they had it for less than \$85?

A. I am sorry, sir. I bought that table. That was a display piece, Mr. Saypol, and I put it down.*

It should be noted that Saypol's question about the table costing less than \$85 was not a flat statement to the jury. It should have been a defense as argumentative, but possibly it was done or that Julius' firm reply was we will soon see Mr. Saypol give the lie to the discovery on the table, but by the affidavit.

It may be stated briefly that in Ethel's denials the firmest kind of denials to each of the pictures was not a special kind of a table. It was a table or any other table for photograph or any other photography was ever made of anything at all at any time.

During cross-examination Saypol attacked Julius, as he showed Ethel the pictures

*Record, pp. 1205-1206, 1211.

†Record, pp. 1331-1332.

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ever turned over on its side.
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purposes. No microfilming
of any typewritten notes or

pted the same ruse he tried
red "samples":

Q. [Saypol]: . . . Would you be good enough to point out for me which of these tables *resemble* the console table that your husband, you say, bought at Macy's?

A. [Ethel]: Well, these are . . . these look a lot more fancy than what I had, but I would say that this, or this (indicating) had some similarity.

Q. You told everybody that you bought it in Macy's for \$21?

A. I wouldn't say that I told everybody. I don't know whom I might have spoken to and whom I may not have, but I know I bought it at Macy's.* (Emphasis added.)

Such, then, was the gist of the testimony concerning the console table. It was the word of the Greenglasses against the word of the Rosenbergs. Innocence is no protection, goes the proverb, and how much less so when there was no necessity on the part of the accusers to prove guilt? Although our law does not require proof of innocence, how could the Rosenbergs disprove these accusations when the very instrument of their alleged crime was presented only in the form of sample pictures? Since the table testimony was suddenly "sprung" on them for the first time right there in the courtroom, there was no way for them to retrieve the table because, as far as they knew, all their furniture (such as it was) had been sold to the second-hand dealers back in October of 1950 when they had given up their apartment.

And yet, with it all, the innocence of the Rosenbergs, at least on this charge, was proven beyond all possible doubt in a public courtroom eleven days before their executions. But so determined was Judge Kaufman that they be put to death that he even refused to look at the recently located console table despite the R. H. Macy affidavit that its markings proved it authentic.†

With the sensational discovery of the console table, the following facts become incontrovertibly clear:

1. That the Greenglass testimony concerning it was completely false and perjurious.
2. That the prosecution must have sponsored these perjuries willfully, maliciously and deliberately, and therefore was guilty of subornation of perjury.
3. That the actual console table was available to the prosecution for at least four months following Greenglass' arrest and his so-called "confession."

*Record, pp. 1357-1360.

†Motion for New Trial, filed June 5, 1953. See Transcript of Record, Supreme Court, October Term, 1953, No. 497, p. 11.

4. That the table could easily have been produced in evidence to support the Greenglasses if their testimony had contained any element of truth.

5. And finally, that every item about the table sworn to by the Rosenbergs was the truth, the whole truth, and nothing but the truth.

In order to present these facts properly, it is necessary to restate the chronology of events: On the night of June 15, 1950, according to the trial testimony, Julius had been implicated immediately by Greenglass. (Note: No mention of the console table appears in Greenglass' confidential statement to Rogge.)

Following his initial "confession," Greenglass claims to have made six or seven additional statements, all of which were put into writing early in the summer of 1950.* (Note: If we are to believe Greenglass' testimony that he withheld nothing of importance on the night of his arrest, then it follows that the prosecution must have been fully aware of the incriminating console table during this early period.)

According to her testimony, Ruth Greenglass made a written statement of her full story in mid-July of 1950. This was preceded by a conference two or three days earlier, which was attended by David, Rogge, Saypol, his staff and representatives of the FBI. Furthermore, it was testified that this was Ruth's *last statement* concerning the details of her story.† (Note: If we are to believe that Ruth told *everything* in mid-July, then it follows that the FBI knew about the hollowed-out table possibly a day or two before Julius' arrest on July 17, but as much as four weeks before Ethel's arrest on August 11.)

During both these arrests, it is a matter of record that the FBI made a thorough search of the Rosenberg apartment. Several crates of books, phonograph records, personal papers, watches, snapshots and clothing were carted away (including the coin collection can), *but not the table!*‡ (Note: It will be recalled that when Julius testified that the table was still in his apartment at the time of his arrest, this statement remained unchallenged by the prosecution. Likewise, when Ethel testified.)

Until the end of October, 1950, when it was finally decided to give up the apartment and sell the furnishings, it is an uncontested mat-

*Record, pp. 577-578, 604-605.

†[Ruth]: I came to tell the story as far as I knew it. (Record, pp. 742; 740-747.)

‡Record, pp. 1134, 1177, 1293.

ter of record that the table remained there available to the prosecution at any time.*

If the prosecution had been told about the table by the Greenglasses prior to the end of October, most certainly the damning concrete evidence of it would have been brought into the courtroom. Besides, as the *only* concrete evidence the prosecution could produce against the Rosenbergs, is it conceivable that the FBI would not have taken it with them on July 17 or on August 11, if Ruth Greenglass' "story" contained the slightest vestige of truth?

Furthermore — if we are to believe the Greenglasses' testimony that they revealed their full story by mid-summer of 1950, it would follow that the prosecution would have inspected the table at the time of Julius' arrest or thereafter, and realized that Ruth was lying. Therefore, since it knowingly suppressed the truth and wilfully sponsored her perjury, it was guilty of subornation.

On the other hand, if the Greenglasses did not reveal their full story in the mid-summer of 1950, then not only did they perjure themselves at the trial, but, in such an event, the prosecution was equally guilty of the crime of subornation.

In short, this is what undoubtedly happened: (1) That the testimony about the console table being a Russian gift used for micro-filming was never thought up during the first *four months* following Greenglass' arrest. (2) That only at some time subsequent to October of 1950 did the prosecution decide to add it as additional embroidery to the Greenglass list of postwar accusations. (3) That since the prosecution was aware that the table had been sold for junk five months before trial, it remained confident that the defense could never recover it and use it to contest the Greenglass testimony.

On April 13, 1953, some two years after the trial, and some two months before the Rosenbergs were executed, the *National Guardian* published the startling story of how one of its staff, Mr. Leon Summit, happened to find and authenticate the Rosenberg table.

As previously indicated, Julius' family and counsel had arrived at the decision to give up the lease on the apartment in October, 1950, since there was no realistic hope of securing the exorbitant bail for Julius and Ethel, and since the rental payments could no longer be met. It was also decided that the furnishings were scarcely worth the costs of storage, and therefore should be sold for whatever a second-

hand man would pay. Whereupon Julius Bloch took care of the details. This was in October, 1950. One of Julius' sisters was a

Some days later, Mr. Bloch learned that a lot of furniture had been sold and that it was for no more than \$100, which sum was hardly worth the children.

However, unknown to Mr. Bloch, Julius' brother and sister-in-law would be anxious to hold on to certain of the better items for a pittance. Among these items were a box of dishes, pots and pans, a bicycle belonging to Michael and Robby, some *sole table*.*

Having stored these items in the basement in Queens, the sister kept them there in the knowledge that the Rosenbergs would one day set up housekeeping in sight.

Since this sister, Mrs. Goldberg, did not tell any of Julius' relatives) for the simple reason that she did not believe she could bear to be totally ignorant of the testimony concerning those newspaper accounts of the trial prior to the table, it was Mrs. Goldberg's reply to the question. But even if she had, she declared, she could not afford a cheap, nondescript table in her basement. The one described by the prosecution and never have occurred to her that the Rosenberg called hollowed-out apparatus used for micro-filming.

And as for the Rosenbergs and Julius Bloch, all they knew was that the entire lot of furniture was sold five months earlier and was beyond recovery.

Three months after the trial, however, Julius' mother set up an apartment for him and Robby, were taken out of the shelter in June, 1951. And, to help furnish the new place, chests of drawers, bicycle, toys, the vacuum cleaner were moved to this apartment in uptown Manhattan.

Since Sophie Rosenberg, Julius' mother, had heard the table testimony, she too had no knowledge

*See affidavits of the Rosenbergs, and of Julius' mother, brother and sister, all annexed to Motion for New Trial, Transcript of Record, No. 497.

*See affidavit by Mrs. Ethel Goldberg (Julius' mother), Transcript of Record, No. 497, pp. 61-63.

was asked by Mr. the latter part of October an unwelcome duty. his' brother that the proceeds amounted to the care of the Rosen-

er, hoping that her had decided on her other than sell them a vacuum cleaner, two chests of drawers toys — and the con-

her home out in hope that the Rosen- appreciate her fore-

the trial (nor did he told this writer, l, she remained to console table. As for s which mentioned had not read them. have associated the e ornate, expensive nglasses. It would ' table was the so- ng purposes! eviously indicated, had been disposed

t was decided that two boys, Michael live with her. This w home, the boys' inner and the table tan.

qually ignorant of of its significance

Transcript of Rec-

when she helped her daughter unpack the stored articles. Which brings us to the substance of the affidavit of Leon Summit.*

It was in the early part of March, 1953, exactly two years after the Greenglass testimony about the table, that the newspaperman chanced to mention it during a casual conversation with Mrs. Gold-berg. To his astonishment, he was told that not only had it never been sold, but that it was safely in the apartment of her mother. Instantly, Mr. Summit hailed a cab and hurried uptown.

At the apartment he asked Julius' mother, "Your daughter told me you have Julie's table here — the console table they had in their flat on Monroe Street . . . ?"

"Oh, the little table?" Sophie Rosenberg replied, wondering why Mr. Summit was so excited. "It's right over there with the telephone standing on it."

Whereupon, to the amazement of the elderly lady, Mr. Summit instantly turned the table over to search for possible markings which might disclose its manufacturer or its source of purchase. Parenthetically, it should be noted that he saw not a trace of any hollowed-out portion. Finding more than he had hoped for, Mr. Summit called the *Guardian* office to send up its cameraman, who duly photographed the table and its markings from every possible angle.†

Immediately thereafter a thorough investigation of these markings was undertaken to ascertain the following facts:

1. Whether the discovered table was indeed the same table which was in the Rosenbergs' apartment between 1944 or 1945 and October of 1950.
2. What retail firm had sold the table.
3. The approximate time of the sale.
4. The retail price of the table.

The chalked markings on the underside of the table were found to be the code symbols used by R. H. Macy & Co. On the 14th of March, 1951, an affidavit was obtained from Mr. Joseph Fontana, a furniture buyer at Macy's, who was employed in that capacity during the years 1944 and 1945.‡ The substance of Mr. Fontana's affidavit is as follows:

*See affidavit of Leon E. Summit, Transcript of Record, pp. 46-49, together with Exhibits I and II, concerning Mrs. Cox's recognition of the table. (Appendix 9.)

†See photographs of table (Exhibit A to F), Transcript of Record, pp. 51-56.

‡See affidavit of Mr. Fontana, Transcript of Record, pp. 45-46. (Appendix 8.)

1. That a careful examination had been made of the table's markings which were found to be:

"NN 4046 - 760 - F4 (or E4) - 1997."

2. That "NN" meant "Macy's occasional furniture department."

3. That "4046" was "the pattern number assigned" by the manufacturer "to this style in the year 1940."

4. That "760" meant the "Brandt Manufacturing Company Cabinet Works of Hagerstown, Md."

5. That "F4 or E4" was "a symbol of a Macy season." If it was "F4," that would denote "the fall season of 1936." If it was "E4," this was "last used as a symbol in the early part of 1944." However, "the use of 'E4' would be consistent with the manufacturer's pattern number."

6. And that "1997" stood for "Macy's retail selling price of \$19.97."

And here is the concluding paragraph of the affidavit:

"This console table was one of the lower priced tables sold in Macy's furniture department sometime during or subsequent to the year 1944, if the symbol 'E4' is correct."

And so we see the indisputable proof of Julius' statement almost to the penny. He had testified that the price had been "somewhere in the neighborhood of \$21." When one adds the 2 per cent city sales tax to the \$19.97, the sum comes to exactly \$20.37. He had testified he bought it at Macy's, and the marking "NN" proves that it was purchased at that store. He had testified he had made the purchase either in 1944 or 1945. The marking "E4," agreeing with the pattern number "4046," shows that Macy's did in fact sell such tables in those years. Furthermore, Mr. Fontana's deposition flatly refutes Saypol's tendentious challenge that no one could buy a console table in Macy's "for less than \$85."

And finally, as it is possible to see from the photographs themselves, in no sense whatsoever was the table "hollowed out" or a "special kind of table," thus proving beyond all question that the Greenglasses committed the most palpable perjury.

By way of a postscript, it should be mentioned that the table was taken to the home of Mrs. Cox, Ethel's former housekeeper, by Mr. Summit and Reverend H. S. Williamson, an ordained minister of the Constitution Church of Manhattan. Mrs. Cox not only recognized the table as being identical to the one she had known in the Rosenberg apartment, but she also hinted nervously at the pressure

the FBI had exerted upon her ever since she had been called by the prosecution as a witness.*

It is difficult enough in an ordinary case for an innocent defendant to obtain absolute proof that he did not commit the crimes as charged; that he did not steal a certain sum of money, or that he was not in the vicinity of the victim's home. If he is fortunate, he may be able to furnish proof by means of the testimony of independent witnesses attesting that he was somewhere else at the time. But in a case where the charges consist wholly of conspiratorial conversations, *how does one prove such conversations did not take place?* It is impossible unless, as in the above instance, the frame-up was carelessly improvised or the puppets were pushed too far or were too eager to fetch another "soiled bone of information." For let us not forget for a single moment that the Greenglasses were acutely aware that much was at stake in this conflict of family pitted against family in which they had permitted themselves to become entrapped.

Week after week, month after month, while awaiting trial, one can be certain that this awesome question plagued them: What if the jury acquitted the Rosenbergs? What then? What would happen to them, having already confessed their full guilt? Not only would they be looked upon as self-confessed "traitors" but as perjurers so perfidious that they had attempted to shift the blame to an innocent sister and her innocent husband! Someone would have to be the scapegoat for the prosecution's failure and the public's revulsion. How quickly would Judge Kaufman turn his self-righteous wrath upon them, not only to "throw the book" at David but to demand the immediate indictment and arrest of Ruth!

Little wonder then that the Greenglasses were disposed to stop at nothing at this final stage of their testimony, for right behind the witness chair loomed the shadow of the electric chair. And not only did its dread voltage serve to fire their imaginations in the instance of the concocted table, but, as we will see in the ensuing chapter, there were to come even more reckless concoctions.

*See affidavit by Reverend H. S. Williamson, Transcript of Record, p. 57. (Appendix 10.)

"... Terror loosed the tongue
... It was a summons to
mankind to become allies
hatred and revenge
trayal."*

IT has often occurred to this writer that the Greenglass testimony so apt to fall apart was worked out *backwards*. In other words, it was worked out first and the earlier events were necessities of the moment. For example, the Greenglass fee of \$4,000. The actual fee was not inconsiderable, since it was derived partly from the Greenglass loot and partly from their "various relatives' office" to discuss [the] financial problems of the Rosenbergs. ... Well, how to account for so large a fee? Easy enough: It came from Julius. But with what explanation? The Greenglasses' "flight." And where to flee? To Mexico, or to the Soviet Union? Because Sobell happened to have gone there already been made into the headline:

"A-SPY NABBED FLEEING U.S."

... So far, so good, but now to explain why they did not flee. Should it be the reason Saypol was to give a statement to the jury — that "a vigilant FBI broke their plans," that their "attempts to escape were nip and tuck," this could do for the Rosenbergs but the Greenglasses? Because Sobell happened to have gone there already been made into the headline: intended to flee — not really. Well, then, why

*Heinrich Graetz describing the Edict of Grace passed in 1521; *op. cit.*, Chap. 10.

†See Rogge file memo, Appendix 3.

Weak-Hearted"

\$4,000? Oh, David didn't really want the tainted Russian money but Julius forced it on him. In fact, David was so revolted by it all he started to flush it down the toilet. And why didn't he? Because David (and here we are back to where we started) had to give the money to Rogge as a retaining fee. . . .

of the weak-hearted.
the most hateful vices of
the court: to malice,
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chief reason one finds
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The testimony of the flight instructions was presented by Cohn and Greenglass in a number of suspense-laden installments, almost as though it were a magazine serial. In order to analyze the testimony most effectively, we will follow the same sequence. It will be recalled that the *Columbia Law Review* summary includes the payments of monies to finance the "flight." Since these payments constitute about 80 per cent of the total sum allegedly received by the Greenglasses and are integrally bound up with the instructions for flight we will examine both headings simultaneously, i.e.:

10. THE ALLEGED PLANS TO ESCAPE, and

12. THE ALLEGED MONEY PAID THE GREENGLASSES

INSTALLMENT ONE

In February, 1950, according to David's direct examination, Julius Rosenberg came to his apartment and suggested they go for a walk:

[Greenglass]: It was a few days after Fuchs was taken in England. . . .

He [Julius] said, "You remember the man who came to see you in Albuquerque? Well, Fuchs was also one of his contacts"; and this man [Gold] who came to see me in Albuquerque would undoubtedly be arrested soon, and if so would lead to me.

And Rosenberg said to me that I would have to leave the country; think it over and we will make plans to go.

Well, I told him that I would need money to pay my debts back so I would be able to leave with a clear head, and Rosenberg said that he didn't think it was necessary to worry about it. But I insisted on it, so he said he would get the money for me from the Russians.

. . . Oh, I also said to him, "Why doesn't this other guy — fellow leave, the one who came to see me in Albuquerque?" And he said, "Well, that's something else again," and I went home after that.*

*Record, pp. 523-524.

How would Julius know that Dr. Fuchs was Gold's contact, when he had never met Gold or Fuchs? The record does not show that Julius and Yakovlev knew each other. But even if they did, there would not be the slightest reason why the Soviet official should unnecessarily divulge so vital a secret, since Julius did not have any relationship with Fuchs, not even according to the Government's case.*

Concerning the alleged statement that the arrest of Fuchs would "undoubtedly" lead to the arrest of Gold, how could Julius be so certain of this? Here, then, are two false premises indicating the tailoring of earlier events to fit subsequent requirements: (1) That Dr. Fuchs would be able to identify Gold sufficiently to cause his arrest and (2) that Gold, when arrested, would confess his crimes and implicate Greenglass.

With regard to the first premise, we have seen that Fuchs could not describe his American courier accurately, nor could he even identify Gold's photo. In fact, the likelihood was that Julius would not have been concerned that Dr. Fuchs might identify Gold. For, as a *New York Times* reader,† he could have seen in its "detailed record" of Dr. Fuchs' hearing in London the reassuring report that the latter's contacts were primarily with "Russians" and that other talks had been "with persons of unknown nationality."‡

Regarding the second premise, this too is false, because if Julius had been told about the Fuchs-Gold relationship by Yakovlev he still would be unable to state that Fuchs' arrest would undoubtedly lead to Gold's, and the latter's to Greenglass'. In short, what Greenglass did on the witness stand was to put in Julius' mouth the sequence of events as given to the press by the FBI, to wit: that the arrest of Dr. Fuchs had led to the arrest of Gold, and that the latter's confession had led to the arrest of Greenglass.

Concerning the last quoted paragraph in the testimony — when Greenglass asks why doesn't Gold also make ready to flee — it is here that we see his obvious attempt to plug the loophole which he himself has created. The implication of the query is that if Gold is so unconcerned about the danger of arrest why should he (Greenglass) be alarmed? And since there cannot be a logical answer, he simply has Julius reply enigmatically, "Well, that's something else again."

*See Record, p. 838, wherein the defense requests the Court to instruct the jury "that Dr. Klaus Fuchs is not a defendant or a conspirator in this proceeding," and wherein the Court had to accede to this request.

†Record, pp. 1237, 1240.

‡*New York Times*, Feb. 12, 1950. Note: The reader will recall from Dr. Fuchs' confession the statement that his "contacts . . . were completely unknown" to him.

Artful, also, is his use of the phrase "this other guy [or] fellow" to show that he does not know Gold's real name as of February, 1950. But what about the name "Dave from Pittsburgh" which Gold claimed to have used in introducing himself to the Greenglasses? Are we to believe that Greenglass cannot remember the one and only spy pseudonym he ever heard? Or can we put it down to "eleventh floor" collusion and Greenglass' emulation of Gold who was so artful about avoiding the word "Jello" in his testimony?

It is amusing to see how honorable Greenglass is about paying his debts and fleeing with a clear conscience. It is, of course, another self-serving touch. He may have been a traitor to his country and he may have sold its secrets for profit (up to this point \$1,650),* but he is a man of honor and he always pays his debts. Yes, even with the FBI closing in and his life at stake. In fact, if we believe his testimony, so conscientious is he that when Julius tells him not to worry about it Greenglass insists he will not leave until the money is in his hands. Later, we will see that, when he does receive the promised money after waiting almost four months, these debts are picayune and almost all of the money is retained for his own use and Rogge's.

INSTALLMENT TWO

Here is Greenglass' direct testimony continued, after fully two months have passed since Julius' alleged February warning:

Q. [Cohn]: Now, did you have further conversations with Rosenberg at later times . . . about leaving the country?

A. [Greenglass]: Yes, I did. . . . It was about the middle of April [1950]. . . . Julius came to see me and he said I would have to leave the country and — well, that was about the gist of the conversation.

Q. Had he given you any money up to this point?

A. No, no money was given to me up to this point.†

Here one is inclined to think of the expression "Cash on the barrel head, Mister!" No money to pay my debts, says the honorable Greenglass, so I'll stay put and get caught by the FBI! But what is taking Julius so long to secure the money? When one considers how certain Julius had been back in February that Fuchs was sure to identify Gold, that Gold was sure to be arrested and that this would undoubtedly lead to David, it is extraordinary how indifferent the spy-master is to danger during these two months!

*For the alleged payment of \$800 in 1948, see Section ii, this chapter.

†Record, p. 524.

But what is even more extraordinary is that Greenglass insisted despite his knowledge of a visit by the FBI.* Is it conceivable, if Julius was in close contact with Gold and feared the latter's reaction to a visit involving Greenglass and himself, that Greenglass would completely refrain from discussing this FBI visit, not only at the time of this FBI visit, but during any of the installments Greenglass makes that follows?

INSTALLMENT

According to Greenglass, his next visit to Julius was at the end of April, 1950, when Julius told him about the stock transfer they had been making for months:

[Greenglass]: . . . He came up to me and showed me some stocks from me, some shares of General Motors. I was in with him, and he at last told me he had to leave the country as soon as possible. I had to have information for me to leave.

. . . He said I would have to give him the complete information as to

Again a conspiratorial conversation of the long-drawn-out business dealing since their dissolved partnership. It was prepared a number of promissory notes. Julius had agreed to pay for David's stock. It appears that Julius' debt of the \$1,000 was a point of obsession. And in the next installment Greenglass gives the Greenglasses their first turn out to be exactly \$1,000, or the amount Julius was able to pay them for their share of the \$1,000 Julius owed them legitimately at this time. Julius' debt of \$1,000 of Russia into the incriminating \$1,000 of Russia.

But what is it that causes Julius to do this "as possible" just at this time? It cannot be that the news of that event was not made public

*Record, pp. 1227-1228.

†Compare Record, pp. 768, 781 and 786. A comparison of sums in conclusion of Section i

that this indifference ex-Greenglass in February by are of Dr. Fuchs' relation-minent arrest and confes-at the two brothers-in-law the alarming implications Installments 1 and 2, but describes in the testimony

instruction was given him come to see him concern-arreling about for many

apartment in order to get I had for a business enter-time told me that I would possible, he would get the

Mexico but he didn't give until a little later.

looked onto the full truth two had been having ever this time, too, that Ruth the \$1,000 which Julius r. In Ruth's testimony it ed on her mind almost to allment, when Julius al-ment for the "flight," it amount Julius was un-ness! In short, the \$1,000 se time was transformed ney.†

t David "to leave as soon Gold's arrest, since the May 24, almost a month

later. And if Julius had really meant "as soon as possible" why didn't he bring the money Greenglass had insisted on almost three months earlier? Thus, on the very face of it, an illogical urgency is inserted prematurely into this particular installment. Evidently, under the tutelage of Gold, Greenglass decided to add a dash of time suspense.

Once more we see that the "spy-master" has little or no concern for his own safety. Instead of planning to flee the country at this late date, his chief anxiety seems to lie in obtaining ownership of a share of stock having the dubious value of \$1,000 in the petty remnants of a business mortgaged to the hilt!

INSTALLMENT FOUR

According to the Greenglass testimony, the next discussion concerning "flight" took place at the Greenglass apartment on May 24, 1950, the morning after Harry Gold's arrest. On this occasion, it was alleged, Julius entered with a copy of the New York *Herald Tribune* in which there was printed a picture of Gold:

Q. [Cohn]: What did he say?

A. [Greenglass]: He said, "This is the man who saw you in Albuquerque."

I looked at it and said I couldn't tell from that picture, and he said, "Don't worry. I am telling you this is the man and you will have to go out — you will have to leave the country," and he gave me a thousand dollars then and said he would give me \$6,000 more.

We then went for a walk.

During this [walk] he told me what was necessary to — how I was to leave the country.

[Cohn]: Will you tell us exactly what Rosenberg said to you on that subject?

A. Well, he said that I would have to get a tourist card — to go to Mexico. . . . First I was to go to the border area and at the border area get a tourist card. In other words, not to get the tourist card at some Mexican Consulate in this city but to wait till we got to the border.

He told me that in order to get the tourist card you have to have a letter or you have to be inoculated again at the border — a letter from the doctor saying you were inoculated.

Q. [Cohn]: For what, did he tell you?

A. For smallpox.

Q. Did he tell you how he found that out?

A. He said he went to see a doctor and a doctor told him about it and I said I would attend to that.*

Concerning Greenglass' professed inability to recognize Gold from the *Herald Tribune* photo, at first this writer was admittedly perplexed. If Greenglass had met Gold and had seen his unforgettable face on that morning and afternoon in Albuquerque, why should he fail to recognize him? On the other hand, if Greenglass' testimony about Julius' display of Gold's photo was false it was equally perplexing why he should have included the complication that he could not recognize it.

Finally, the problem clarified itself by relating his testimony to its principal source, the "eleventh floor." In view of Dr. Fuchs' inability to identify Gold from his photo, consistency would demand that Greenglass be instructed to display a similar difficulty. And in order to cover up his inability to describe or identify "the Russian," Greenglass sought to appear equally consistent in not recognizing Gold's photo.

Concerning Julius' warning to Greenglass not to apply for a tourist card at the Mexican Consulate in New York but rather at the border, this question arises: If Julius was cautious because he feared that such an application would be promptly reported to the FBI (possibly in response to an alert), how could he be sure that the same thing would not take place at the border?

But more important, Greenglass' testimony concerning the suspicious and guilty conduct of Julius regarding the inoculation certificate is completely discredited by fact. Here are the Mexican tourist requirements stating the "Customs and Immigration Regulations" as they existed up to and including the year 1952:

"VACCINATION: Automobile tourists are not subject to any vaccination requirements on entering Mexico. However, on returning to the United States tourists must present evidence satisfactory to the Quarantine Officer of a successful vaccination within the past three years prior to arrival."†

In other words, it was *not* a Mexican regulation that required a vaccination certificate to enter that country, but rather a United States requirement for *re-entering* this country! Only as late as 1953

*Record, pp. 525-527.

†MEXICO, published by Automobile Club of Southern California, 2601 S. Figueroa St., Los Angeles, Calif. Copyright 1952, p. 73.

did the Mexican public health authorities make mandatory a certificate of vaccination; in other words, three years after the alleged flight instructions of 1950.

Is it at all conceivable that a seasoned spy-master, one who had allegedly arranged Sobell's flight to Mexico, would be totally ignorant of such simple information so easily obtainable at any travel agency? The reader will recall from Chapter 7 that, when Sobell went to Mexico in June, 1950, he found no necessity for arranging for any smallpox vaccinations until he and his family prepared to return to the United States. Why, then, if Julius had really arranged that "flight" as charged by Saypol, would he give Greenglass entirely different and false instructions?*

In her direct testimony Ruth Greenglass also describes how Julius showed them "a great big picture . . . of Harry Gold" in the *Herald Tribune* of May 24. However, she adds this bit of embroidery to Julius' warning to leave the country:

[Ruth]: He said, "You will be the next to be picked up."

Q. [Kilsheimer]: To whom did he say that?

A. To David. He said, "The next arrest will probably take place between June 12th and June 16th; you have to get out of the country before then."

And a moment later, in the record:

Q. Was anything else said concerning arrangements for leaving?

A. Yes. He gave my husband a thousand dollars. He said, "Buy everything you need. Don't be too obvious in your spending. You have a month to spend it in, and I will bring you more. . . ."†

Here we are being asked to believe the fantastic statement that Julius actually *knew* or could *predict* the exact date — within a period of four days — on which the FBI would arrest Greenglass, *three weeks in advance!*

The explanation of this absurdity can be only that it was convenient to the thinking of Ruth Greenglass (on the witness stand) to allow these three weeks' time for preparations. The elaboration of the time element in her final response provides the clearest evidence of this. Whereas in the first instance she has Julius give them nineteen to twenty-three days to leave the country, suddenly, on the very

*In Chapter 21, Section ii, we will go into this important subject more extensively when we deal with the testimony of Dr. Bernhardt.

†Record, pp. 709-710.

same page in her testimony, she has to a full month so that she may be shopping!

Thus, by her own testimony, Ruth's "story" must have been worked by tailoring Julius' initial warning (June 16th") to fit the date of the arrest on June 15.

INSTALLMENT FOUR

To return to David's direct testimony instructions he received from Julius on May 24, we come to that portion after as "Operation Finger" for the

[Greenglass]: He then told me a port pictures made up. . . . Of a man and also he gave me a certain letter "I. Jackson" at the end of the letter when I get to Mexico City. I was Ambassador of the Soviet Union; I recall completely right now but not the position of the Soviet Union; the letter "I. Jackson."†

Then I was to wait three days to get a place to stay, some place. Then I was to go with a guide, my middle finger in the — between a place called Plaz de la Colon at bus there — and this would be about three days after I had sent the letter. . . . I was then to wait until someone came. And then I would say "That is I was from Oklahoma and I had

*It should be noted that Greenglass' "son" two children, the youngest only a few days old.
†Note: Perhaps some light can be cast on this. At first reading, this writer was puzzled. At first, I was instructed to use any pseudonym at all, a subsequent identification. One day, the pseudonym "I. Jackson" came to mind, namely, the pseudonym that whoever worked out the "case" associated the name of "Jackson" with Mexico.

extend the period of grace
additional week to do her

nglass reveals that the en-
ckwards — in this instance
"between June 12th and
rest of David, which was

(continued)

cerning the further flight
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will be referred to here-
brevity:

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sibilities" for Greenglass
cept of a Soviet spy in

and this man was to say "Oh, there are much more beautiful
statues in Paris." That was to be our identification.

Then he was to give me my passports and additional money so
that I could go on with my trip. I was then supposed to continue
on probably via Vera Cruz. . . .

Q. [Cohn]: A seaport in Mexico?

A. That is right.*

Why is Greenglass instructed to remain away from the center of
town? If Julius feared that Greenglass might be recognized by the
Mexican secret police or the FBI in Mexico, then this would pre-
suppose the international alert mentioned earlier and destroy the
logic of the attempt to secure entry at the border. And if there were
such an alert, would not Greenglass be watched closely no matter
what part of town he chose to live in? In any event, an American
tourist would be more conspicuous living in an isolated section of
Mexico City than in its center.

In this regard, the statue of Columbus on the Plaza de la Colon
happens to be on the Paseo de la Reforma, the most central thorough-
fare of the city. Thus we have the paradox of Greenglass being
instructed to keep away from busy places and yet his rendezvous is
arranged in just such a busy place.

Concerning the password instructions, this question arises: If we
must believe that Julius found it necessary to arrange a recognition
device such as the matching of the Jello box halves for Gold and
Greenglass, why didn't he arrange a similar matching device for
Greenglass and the Soviet Embassy contact? In other words, if a
password and counterpassword did not suffice for the rendezvous in
New Mexico, why was it sufficient for the one in old Mexico?

Concerning Greenglass' claim that he was to be given additional
money in Mexico City, we have already been told that Julius was giv-
ing him as much as \$6,000. Then what is this additional money for?
Greenglass states that it was to be paid him "so that [he] could go on
with [his] trip," apparently by ship from Vera Cruz. And yet, when
he testifies subsequently about the next leg of the journey in Sweden,
he states that the Soviet contact there was to give him his "means of
transportation," presumably paid for. If this was deemed a precau-
tionary act in Sweden, then why not also in Mexico?

Finally we come to Cohn's pinpointing of Vera Cruz as the seaport
from which Greenglass was evidently to depart. And here again we
have the tailoring of testimony to fit earlier events. Since it had been

*Record, pp. 527-528.

discovered that Sobell had sought steamship passage in Vera Cruz
the same town was worked into Greenglass' testimony as part of his
escape route. In his summation to the jury Mr. Bloch exposes this
maneuver:

[Bloch]: But "Mexico" was inserted in your mind to poison you,
you see, because Sobell was down in Mexico.

. . . If Greenglass was telling the truth about the signals with a
book, and a finger in the book down before a statue in Mexico
City . . . how is it that Sobell, who is supposed to be conferring
with Rosenberg, how is it when he went to Mexico, if he were
trying to get out of Mexico because of this crime, how is it he did
not know about the [finger] and the statue? Does that make sense
to you?*

Now let us turn to Saypol's summation on this vital point:

[Saypol]: Sobell went to the airport of Vera Cruz, just as Green-
glass had been instructed to do . . . exhibiting the conduct that
fits in the pattern of only one thing . . . flight from an American
jury when the day of reckoning had come.† (Emphasis added.)

If Sobell had been instructed "just as" Greenglass, how is it that
Julius failed to arrange forged passports for the Sobell family as he
is supposed to have done for the Greenglasses? Indeed, if there is any
truth to Saypol's argument, then Sobell, having received passports
and passage from the Soviet Embassy in Mexico City, would have
had no difficulty in leaving the country. Certainly he would not have
had to seek advice from the stranger Rios as to how to get out of the
country. From Chapter 7 we recall how Sobell was at a total loss dur-
ing his seven-week stay in Mexico and how he made many panic-
stricken moves in his attempt to find political asylum. If he was really
a spy following Julius' instructions, why didn't he write to the Soviet
Embassy in Mexico City and meet someone at a statue in line with
Saypol's "pattern"?

And why is it that Sobell also is not cautioned to remain incon-
spicuous and to travel under a false name such as "Jackson"? How
is it that he resides in Mexico City for seven weeks under his own
true name?‡ In his opening statement Saypol promised the jury he
would furnish evidence to prove that there was:

*Record, p. 1491.

†Record, p. 1529.

‡See photostats of rental receipts for July and August, 1950, made out in
the name of Sobell, in Appendix 16.

"... An elaborate prearranged scheme to flee the country ... [and that] these efforts ... followed a carefully planned pattern."* (Emphasis added.)

And yet the very opposite was proved — because whereas Greenglass, according to his testimony, is admirably taken care of in every respect (forsooth, even to the detail of his middle finger) Sobell, according to the Government's case, receives no aid in his flight whatsoever!

To get on with the next stage of Operation Finger, let us now accompany Greenglass to Sweden and his next statue. Having arrived in Stockholm, in accordance with Julius' alleged instructions, he was to send "the same type of letter" to the Soviet Embassy there, again using "I. Jackson" as his prearranged pseudonym:

[Greenglass]: I would then go three days later to the statue of Lineus† and with a guide in my hand, with my finger in the place, and a man would come up to the statue about the same time in the evening, about 5 o'clock, and I would repeat that it was a beautiful statue, a magnificent statue — something to that effect, and the man would say, "There are much more beautiful ones in Paris," and that was to be our contact. Then he was to give me my means of transportation to Czechoslovakia, and that is where I was to go.

Q. [Cohn]: Did Rosenberg tell you what you were to do when you arrived in Czechoslovakia?

A. Yes, he did.

Q. What did he tell you?

A. He told me to write to the Ambassador of the Soviet Union and say that I was here.

Q. Were you to sign "I. Jackson" this time?

A. My full name was to be signed, "I. Jackson."

Q. All right. Now did you write down these instructions or did Rosenberg write them down?

A. Nobody wrote them down. I was told to memorize them at this time and I did memorize them. . . . Well, that was the end of the conversation on that day except that — he [Julius] said that he probably — that he had to leave the country himself and he

*Record, p. 183.

†Linnaeus (Carl von Linné), the Swedish botanist. (For this stage of the "flight" see Record, pp. 528-529.)

was making plans for it, and I said, "Why was a friend — that he knew Jacob Goble probably Bentley knew him.

Q. And that he himself was going to be right?

A. And that he himself was going to be

In this extension of Operation Finger it has given up his role as an Oklahoman, becoming a world traveler. However, one may was necessary for him to detour to Czechoslovakia "Iron Curtain." Why was he not sent to the Soviet Union, both of which are considerably closer?

According to the Joint Report the "escape corvo, the Italian-born British nuclear physicist. However, according to official reports, he travels with a British passport with no rendezvous at any station and no middle fingers. Here is the New York Times concerning these reports:

"Scandinavian Airlines System official: Italian-born professor had checked out of Stockholm, en route to the Soviet capital. he and his family were checked off as they left Stockholm.

"On arrival at Stockholm the morning after the escape corvo went straight to the airline ticket office and bought tickets for Helsinki."

It is interesting to note how the escape corvo is used to bridge the gap between Greenglass' "escape corvo" facts by the following rationale:

"By way of pure speculation it may be that the escape corvo . . . had been ordered by Soviet apparatus to leave England and go to the United States to Mexico to Czechoslovakia. It may be speculated that, just as a standard escape route for American agents from the United States to Mexico to Czechoslovakia, so Pontecorvo's path from Britain to Italy to Russia constitutes a standard escape route from the Soviet Union."*

*See Joint Report, pp. 41-42, 47.

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Observe that even in this realm of "pure speculation" the Joint Report omits the fact that Greenglass' alleged route (Mexico to Czechoslovakia) included the unnecessary stopover in Sweden. Observe also that Italy is illogically included in the other route, even though it adds up to a more than 1,500-mile detour between Britain and Russia. (Note: The obvious reason for this bit of tailoring lies in the fact that Pontecorvo happened to spend his vacation with his family in Italy before proceeding to the Soviet Union.)

In any event, according to this official report on "Soviet Atomic Espionage," once Greenglass was in Sweden he should have been instructed to go directly to Finland and thence to the Soviet Union, and not to Czechoslovakia! In short, there is just no sense to Greenglass' Swedish installment, and the only conclusion one can draw from its inclusion is that it was additional spy-thriller stuff designed to intrigue the jury.

It is in the concluding portion of this episode that one is particularly struck by the lack of probability as well as by Greenglass' fatuousness. Finally, after more than three months of apparent indifference to danger, Julius is considering the possibility of flight.

We are asked to believe that in all this time there was scarcely any concern about his own safety, despite his certainty that Gold would be arrested and despite the fact that the FBI had shown its suspicions about Greenglass by its February visit.

But now Greenglass has just seen the news of Gold's arrest and "confession." If it is true that Gold came to his apartment with the name of "Julius," then Greenglass knows full well that his brother-in-law has been or will be exposed. After all, it was he himself who had identified "Julius" to Gold as his "brother-in-law." Furthermore, he should recall that he gave Gold Julius' telephone number. And yet, mark his professed surprise as he claims to have asked, "Why you?"

And note the reply attributed to Julius. Instead of the latter expressing the realistic reason, the only one that would normally occur to him on this day of Gold's arrest — his fear that the FBI would connect him with Gold's password "I came from Julius" — we are asked to believe that he was apprehensive about the remote possibility of Bentley's recollection of him through her affair with Golos who had died seven years before.

In 1948, however, according to Elitcher's report of the Catherine Slip episode, we recall that Julius "was pretty sure" Bentley did not know who he was and therefore "everything was all right."*

*Compare Record, p. 261, with p. 529.

Again, as with Elitcher's testimony, it is transparent that Bentley's name was dragged in here illogically for only one reason — so that the prosecution might lay a foundation for her subsequent appearance as a Government witness and "expert" on the Communist Party "underground apparatus."

INSTALLMENT FIVE

It will be recalled that at the start of Julius' alleged instructions during the walk on May 24 Greenglass had been told "to have passport pictures made up" of himself and his family. In further testimony Greenglass elaborates these instructions, stating that he was to take five sets of such photos, with each set containing five copies, making a total of twenty-five photos. And that when he would turn these five sets over to Julius, apparently the latter would deliver them to Yakovlev to be sent in turn to the Soviet Embassy in Mexico City where they would be used in preparing Greenglass' forged passports.

Greenglass now testifies that, in accordance with these instructions, on Sunday, May 28, four days after his walk with Julius, he and his "whole family" went to a photo shop in the neighborhood, had "six sets of pictures taken" and picked them up "later that evening."*

Six sets instead of the requested five! Let us bear this in mind a moment while we examine Greenglass' alleged next meeting with Julius, when the latter came to call for them.

INSTALLMENT SIX

This next meeting, according to Greenglass' testimony, took place on Memorial Day, May 30 — two days later. It appears, however, that when Julius arrived the Greenglasses had visitors, and therefore the photos were given to him out in the hallway:

Q. [Cohn]: Now I think you told us that he had asked you to have five sets of pictures taken . . . ?

A. [Greenglass]: That is right.

Q. How many, in fact, did you have taken . . . ?

A. I had six sets of pictures taken.

Q. How many did you give to Julius?

A. Five sets.

Q. What did you do with the sixth set?

A. I kept it in the drawer.

*Record, pp. 529-531.

Q. Was that set after your arrest given to the FBI?

A. I gave it to the FBI.

Mr. Cohn: May I exhibit them to the jury . . . ?

The Court: Yes.

(Exhibits 9-A and 9-B shown to the jury.)*

At once we see how important this "sixth set" was to the prosecution and how convenient that Greenglass had had it made and had kept it from May 28 until after his arrest on June 15! Thus they fall into the same suspicious category as Gold's "little white card" kept so conveniently in the marked Brothman folder for the FBI to discover nine years later.

If we proceed on the thesis that Julius never instructed Greenglass to take any passport photos, there arises the question: How did the latter happen to have Exhibits 9-A and 9-B lying in the drawer to give to the FBI? There are two possible answers. The first is that the passport photos were taken by the Greenglasses simply as a result of promptings and suggestions which may have continued all through the period of their FBI harassment, starting in February.† Let us not forget how the name "Bentley" was dropped like a seed into the mind of Elitcher during his early interrogations and how it sprouted and came to flower some seven months later with the Catherine Slip episode. And let us not overlook the fact that Roy Cohn has proved himself a man of many talents, for it will be recalled by those who viewed the Army-McCarthy hearings on TV that he did not hesitate to submit the subsequently exposed "doctored" pictures of Secretary Stevens.‡

Turning to the second possibility, we know that from the moment the FBI interrogated Greenglass in February, 1950, about his Army thefts, and particularly about the stolen uranium sample, there was an increasing state of desperation on the part of the Greenglasses. In addition, we know from the Rogge file memo of June 19, 1950, that the FBI employed a systematic method of intimidating the Greenglasses by the means of obvious surveillance "for several weeks" before David's arrest.§

*Record, pp. 530-532.

†Record, pp. 564, 567.

‡In the next chapter, see reference to Harvey Matusow's affidavit that his testimony was "prefabricated by Roy M. Cohn." (New York Times, Feb. 1, 1955.)

§See Appendix 3.

Considering the hue and cry for lowed hard on the heels of Dr. Fuchs ing for Greenglass to have had a fra In fact, it is more than likely that he his intention and later transformed into Julius' flight instructions.

Perhaps the clearest evidence of C in this period was his *mistaken* beli certificate in order to enter Mexico. certificate was necessary *only* for ree for leaving this country.

But whichever possibility . . . That here, too, the method of workin FBI and/or Cohn had come upon (or port photos, later elaborated into the thing concrete in order to show had been planned. Therefore why n flight instructions and allow Greeng preserver"?*

We recall that David claimed to ha and that it was *he* who gave it to t is what Ruth claims on direct exan

A. We gave five to Julius and

If this were just another minor di However, it is further proof of th frame-up. In the first place, we have FBI special agents spent no less than ing the Greenglass flat. Second, we flat was searched the FBI too. Every even those of their children as infi failed to find the Greenglasses' pas. But, above all, why have we the cor glasses, with each one claiming to h Which one is lying?

They are both lying! Even on the could not have given the FBI the pl

*The expression "life preserver" was u scribe his belated presentation of the " the Hiss case (*op. cit.*), Lord Jowitt i point.

†Compare Record, p. 531, with p. 712.

'Communist spies' which followed his arrest, it would not be surprising impulse to flee the country. He spoke to the Rosenbergs about it and elaborated the conversation

Greenglass' chaotic state of mind that he needed a vaccination as previously mentioned, such a trip into the United States, not

direct one, this much is certain: backwards was employed. The had asked for) Greenglass' passport "sixth set." They needed some jury that an escape route to add five more sets for Julius' is to present the sixth as a "life

kept this sixth set in a drawer, FBI after his arrest. But here is the situation:

gave the sixth set to the FBI.†

repancy we would disregard it. anarchic nature of the entire seen told that four experienced five and one-half hours search-how that when the Rosenberg apartment shot the Rosenbergs owned, is. How is it, then, that they sort photos lying in a drawer? cting testimony of the Green-: given the photos to the FBI?

sis of his own testimony David told after his arrest. Because he

by Whittaker Chambers to de-nupkin papers." In his analysis of particularly suspicious about this

tells us that immediately following his arraignment he was transferred to the West Street jail.* As for Ruth, she was in the hospital on the Thursday David was picked up. And on Friday, in her testimony describing the interview with two FBI agents at the hospital, there is not a word about giving or telling them about any photos. After this visit, it is also her testimony, she did not see the FBI again until mid-July, and here too there is not a word about the passport photos.†

In short, despite Ruth's insistence that she had told the whole story "just as it happened" from the very beginning, we can see that the Greenglass photos did not become magnified into a "sixth set" until it was decided months later to fabricate Operation Finger.

If it be necessary to add further proof that such was the case, let us turn again to Greenglass' confidential memo to Rogge concerning what he told the FBI on June 15. In it, of course, there is not the slightest mention of any photos, any flight plans, any escape money, any forged passports, any statues of Columbus or Linnaeus, any guide-books, any middle fingers — in a word, *nothing* concerning any aspect of all these installments!

We have seen how the Greenglasses sought to demonstrate by their deception of Julius that they had been remorseful even before David's arrest. Is it conceivable that, if they had concrete evidence of such a "life-preserver" or "hold-out" on Julius lying in a drawer, they would not have mentioned it to the FBI immediately? Certainly if there were any truth to the "sixth set," they would at least have informed Rogge about it, either in David's three-page handwritten statement on June 17, or during Ruth's conference on June 19!

INSTALLMENT SEVEN

On Sunday morning, June 4, according to Greenglass' testimony, Julius arrived at his flat with "\$4,000 in a paper, brown paper wrapping." After putting the package "on the mantelpiece in the bedroom," Julius asked Greenglass to "go for a walk" so that the latter might "repeat the instructions" concerning the escape route.‡

*Record, p. 580.

†Record, pp. 729-730, 740-743. Note: See also Rogge file memo in Appendix 3, in which Ruth describes the FBI visit to the hospital, but makes no mention of any photos.

‡Record, pp. 532-533. Note: Since this installment is integrally bound up with the next we will reserve examination for the moment.

INSTALLMENT EIGHT

On June 7, three days later, Julius visited the Greenglasses for the last time before David's arrest, which occurred one week later. Let us turn to Ruth Greenglass' direct testimony concerning this final visit:

[Ruth]: He came to our house. . . . He came and spoke in whispers. He said he thought he was being followed and that he was going to bring \$2,000 more but he didn't because he was being extra careful.*

For the first time we see that a new element has been introduced at this late date — the crucial problem of surveillance. Here is David's direct testimony concerning this subject:

[Greenglass]: Later, he came back. I was under surveillance at the time and . . .

Q. [Cohn]: Did you think you were being followed at that time?

A. I did think I was being followed. . . . I noticed some people following me on a Sunday evening; and he came back — Julius came back during that week . . . and as he came into the apartment he said, "Are you being followed?" I said, "Yes, I am." He said, "I just came back from up-State New York to see some people, and I was going to Cleveland, Ohio, but I am going — I am not going to go there any more"; and he said to me, "What are you going to do now?" I said, "I am not going to do anything. I am going to sit — I am going to stay right here," and he left.

Q. [Cohn]: Did you see him again after that?

A. Only in court here.†

It is not too clear from Greenglass' testimony exactly which Sunday evening he means. While it could have been the Sunday of the delivery of the \$4,000 (Installment Seven), it could also have been the previous Sunday, when the Greenglasses allegedly had their passport pictures taken (Installment Five). In either case, Greenglass describes himself as virtually paralyzed by the realization that he has been under surveillance.

Then how is it that he failed to notify Julius immediately on the

*Record, p. 714.

†Record, pp. 533-534.

Sunday evening that the surveillance occurred? And whereas we find David saying hopelessly that he intends to "sit" and not do anything about leaving the country, in Ruth's direct testimony concerning the installment of June 7 there is nothing whatsoever to indicate they had reached so important a decision. In fact, according to Ruth, there is the implication that Julius will still bring the additional \$2,000!

And what about the \$4,000? According to Ruth's testimony, it was at that very moment hidden in their apartment. We have seen the Greenglasses describing their revulsion to it, to the extent of starting to flush it down the toilet. How is it, if we are to believe these claims, that they do not take this occasion to return the money?

On the question of surveillance, according to Greenglass' testimony, *four months* have gone by since Julius' first warning to leave the country. But only on June 7 does the spy-master show any realization of the possibility that FBI agents may have been on their trail. To demonstrate how incredible this is, let us review briefly Julius' alleged spy conduct through the last few installments:

On May 24, the day of Gold's arrest, despite the fact that Gold must have implicated him and despite Julius' warning of almost the exact day Greenglass is to be arrested, we find Julius completely oblivious to the possibility of surveillance. So much so that he sends the Greenglass family to have their passport photos taken without the slightest concern that the FBI might follow them and thereby learn of their flight plans.

On this same day, too, he has come from the Russians with \$1,000 in cash, apparently with no anxiety that Yakovlev, Greenglass and himself may be under close surveillance as the result of Gold's arrest. Moreover, despite his specific warning to the Greenglasses that they have only until June 12 or June 16 to flee, he makes no such plans for his wife or himself.

On May 30, still indifferent to the possibility of surveillance, he comes to Greenglass' flat to obtain the passport photos and permits them to be given to him in a hallway used by other tenants.

Thereafter, still in defiance of surveillance, he meets with the Russians to turn over Greenglass' passport photos. In this instance,

*Note: According to the Rogge memo of June 19, 1950 (Appendix 3), Ruth divulges that they "had been under surveillance by the FBI for several weeks." Therefore, why this "sudden" realization on June 7, only one week before David's arrest? It is also significant that, despite the surveillance Greenglass claims to have noticed, no FBI agent was apparently willing to take the witness stand to confirm it under oath.

it should be pointed out, the risk was except FBI could have caught them red-handed with passport photos and the \$4,000.

On June 4, still oblivious to the possibility, he brings to Greenglass the package of \$4,000 the risk of disaster, for again the FBI could as the money was delivered. Proof that Julius' pating such a catastrophe lies in Ruth's testimony on June 7 to deliver the promised \$2,000.

And just previous to June 7, we are also aware of Julius' knowledge of Gold's arrest *two weeks* before he risked an espionage trip to upstate New York to regard as to surveillance.

Thus, only as late as June 7, four months in February when Julius was so certain it was not and almost four months after the FBI had inquired about his uranium theft, Julius finally comes to realize they are under surveillance! But still he appears plus 2 and conclude:

1. That surely Gold has told the FBI of his espionage with Greenglass in Albuquerque.
2. That surely Gold has told the FBI about maintaining the name "Julius" and the conversation "brother-in-law."
3. That surely the FBI must have followed the family to the passport photographer's shop and therefore fully primed to arrest them in the act.

In short, if one ascribes any truth at all to the testimony, Julius must have known that the "jig was up" on June 7. But what change takes place in his thinking according to Ruth's testimony — save that he "was going to be 'extra careful' about delivering the \$2,000. None — according to David — save that he decided to see his Cleveland contacts! In other words, what would normally have happened between their discussion about the imminent danger of arrest and what story they should tell in the event either was picked up and questioned.

And so we reach the end of Operation Fingerprint. On the face of it, the most shoddy array of conflicting testimony, illogical situations and contradictions that was ever presented in a court of law.

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In the course of this chapter and previous ones we have covered all but one of the payments of money allegedly received by the Greenglasses. Let us therefore conclude this aspect of the *Columbia Law Review* summary.

According to Ruth's testimony, it was a sum of \$800 paid to David by Julius in 1948.* But strangely enough, although this payment was made *outside* of Ruth's presence, there is *no mention* of it in David's testimony! Furthermore Ruth does not even know the reason for the payment! Nor is there any explanation why David fails to mention this important payment in his testimony. It was a sum four times the \$200 they were paid for the Nagasaki bomb. It was the *only* payment they had received in the five years 1945 to 1950, a period when they were so impoverished that David had to borrow pocket money from Julius. Hence one would expect that this \$800 payment, made only two years before his arrest, should have been remembered by Greenglass.†

And one might add in conclusion that, although Ruth claims that this mysterious sum of \$800 had been deposited in their bank account in New York, and although it should have been a simple matter for the prosecution to produce bank records to support her claim, no such substantiation was offered.

In short, as we have indicated earlier, the prosecution's device of connecting Gold's Hotel Hilton registration card of June 3 and Ruth's \$400 bank deposit of June 4 (Government Exhibits 16 and 17) insured the credibility of all the other alleged payments. In other words, the prosecution was supremely confident, following Gold's testimony, that it no longer mattered how vague or improbable the accusations — they would all be accepted by the jury without question. And, unfortunately, this is precisely the way the jury responded.

iii

11. ETHEL'S ALLEGED TALK WITH RUTH‡

We come now to the final point covered in the *Columbia Law Review* summary of the Greenglass testimony. It also happens to be the final item in Ruth's direct examination, the gist of which is as follows:

*Record, pp. 725-726.

†It should be noted that neither this payment nor any other Rosenberg payment described in the testimony was contained in Greenglass' "confession" to the FBI, according to his confidential memo to Rogge.

‡For Ruth's direct, see Record, p. 714. For Ethel's direct, see Record, pp. 1337-1341.

That in the middle of July, 1950, about one month after David's arrest, Ethel had come bearing "gifts" of a pie for Ruth and unspecified sundry gifts for Ruth's three-year-old son.

That Ethel had said she had been advised by her lawyer "to get assurances . . . that David would not talk." That Ethel had said "it would only be a matter of a couple of years" for David, and that if he would join Julius in a stand of innocence, "it would strengthen their position" and everybody "would be better off."

And, finally, that Ethel had asked commiseratingly: "Do you think it is a dirty shame for David to take the blame and sit for two?"

Here an innocent visit was twisted into an attempt on the part of the Rosenbergs and Mr. Bloch to impede justice, for the fact is that Ethel frankly admits this visit, albeit under different circumstances. In the first place, Ethel's visit was not at Ruth's house but at the home of Ethel's mother. The latter had just returned from seeing David in jail and Ethel had found her sister-in-law also there. Ethel had asked anxiously about her brother's health and what she could do to help him, even offering to borrow money to contribute to his defense. This was all; a perfectly normal and natural concern on the part of a sister for her brother.

Is it conceivable that Ethel would have been advised by Mr. Bloch to make such incriminating overtures to Ruth in the face of her icy silence ever since David's arrest? It was already several weeks since Julius had been questioned by the FBI concerning David's charges. In all this time Ruth had never made the slightest effort to approach the Rosenbergs on any friendly basis. Would any responsible attorney, considering such hostile circumstances, have dared to advise his client to place herself in additional jeopardy with someone who was clearly scheduled to appear in behalf of the prosecution?*

How transparent is Ruth's effort to add something, *anything* to her sister-in-law's guilt beyond the typing! Not only is there the absurdity of the "gifts," but the attempt to put into Ethel's mouth the statement that David's punishment "would only be a matter of a couple of years," i.e., if he fought the charges and was convicted. When one considers the forbidding climate of the period, as well as the fact that every newspaper was emphasizing the possibility of the death penalty,† it is just fantastic to think that Ethel and her counsel would ever undertake such an appeal to the coldly calculating Ruth on the illusory or specious grounds the latter describes.

*See Record, pp. 1343-1344, wherein Mr. Bloch puts this question squarely before the jury.

†Here is the *New York Times* of June 17, 1950, following Greenglass' arrest: "Could Get Death Sentence . . . Greenglass, if convicted, faces a maximum penalty of death."

iv

Such, then, was the full testimony of the Greenglasses. Here is the opinion of the Court of Appeals with regard to the weight of this testimony:

"Doubtless, if that testimony were disregarded, the conviction could not stand."*

It is a fundamental concept of American justice that if one finds any basis for a reasonable doubt regarding any part of a witness' testimony one has the right — nay, the duty — to conclude that *all* the testimony is open to suspicion and, therefore, may be entirely disregarded. This is as it should be, in order to safeguard the sacred right of the presumption of innocence.

On this point, the law required Judge Kaufman to charge the jury as follows: That "all the circumstances taken together" must be "consistent with any reasonable hypothesis"; and that "all of the circumstances established by the evidence in this case, taken together, must satisfy" the jury beyond any reasonable doubt before it may render a verdict of guilty.†

Having examined every point mentioned in the *Columbia Law Review* summary of the Greenglass testimony, we now come face to face with these two all-important questions:

1. *Are we completely and wholly satisfied that the Greenglasses told the truth, the whole truth, and nothing but the truth?*
2. *Has any portion of the Greenglass testimony given us any basis whatever to entertain just one single, reasonable doubt?*

According to the law, unless we can answer an unequivocal "Yes" to the first question without the slightest qualm of conscience and unless we can answer the second question with an unequivocal "No," there is no choice but to doubt and discard the prosecution's entire case.

*Record, p. 1648.

†Record, pp. 1549-1550.

*"... In spite of the
maintain intact the
us, cracks appear the
seeping."**

IN the course of this work it has become clear that it was Roy Cohn who was one of the mockers of justice called the trial of the I versus Julius Rosenberg, et al.

Not for nothing did this effete, sickly, most notorious reputation in the annals of the United States Army charges by the most unscrupulous methods to apply against the person of the Secretary of the affidavit of Harvey Matusow, a Government trials, it was Cohn who "worked" with part of his false testimony. In his affidavit

"... in several sessions with Cohn which I gave in my testimony, tying sage. We both knew that Trachten statements which I attributed to him, sis added.)

Regarding another charge of Cohn's New York Times reports that:

"Matusow said he testified falsely Jefferson School, which he had attended was formulated by Mr. Cohn and M. trial."† (Emphasis added.)

*Petition of Ethel Rosenberg for Executive Pardon, dated Jan. 9, 1953, p. 20.

†Matusow, *op. cit.*, p. 246.

‡See New York Times, Feb. 1 and 4, 1953.

Both at the Army-McCarthy hearings and in a subsequent series of signed articles written for the Hearst press, we find Cohn's boast that it was he who was largely responsible for the death of the Rosenbergs. Included among his other accomplishments, as he lists them proudly, was "The William Perl Perjury Case."^{*}

When last we mentioned Perl, he was being harried by Saypol, Lane and Cohn just before the start of the Rosenberg trial. In the period before that, we now know from Perl's testimony at his trial, that the FBI had threatened him repeatedly:

"They strongly recommended to me that Rosenberg and Sobell were going to 'fry,' as they put it. . . ."

In describing the state of mind resulting from this coercion, Perl referred to "the domination of [his] life by the FBI" and testified further that:

"The FBI's strong emphasis that Rosenberg and Sobell faced the death penalty horrified and shocked me."

With the Rosenberg trial only a few days away, the pressure on Perl steadily increased. Here is his testimony recalling a meeting in the United States Attorney's office where he was surrounded by Lane, Foley, Kilsheimer, Cohn and "various FBI agents":

Q. Do you remember what was said?

A. [Perl]: Yes . . . mainly Mr. Roy Cohn informed me that — well, that if I did not confess I would be indicted.

Q. And what did you say?

A. . . . That I had nothing to confess, but whatever he or anybody had against me, I would very much like to hear in open court.†

And yet, as indicated in Chapter 10, despite this steadfast denial of complicity and despite the refusal to swear falsely, he was nevertheless included in the prosecution's misleading list as a Government witness!

What were the next developments when this maneuver failed to produce compliance? No one knew the full significance of what had happened behind locked doors until long after the trial, when the true facts became part of the official transcript of the appeal to the Supreme Court.‡

^{*}New York Journal-American, July 25, 1954.

†Perl Record, available at U. S. Courthouse, Foley Square, New York City.

‡Transcript of Record No. 687, pp. 177-184.

ii

It was a crucial moment for Saypol as the testimony of David Greenglass drew to a close and Ruth prepared to follow him. With the conclusion of Elitcher's testimony and that of the Greenglasses, the prosecution realized it had virtually shot its bolt as far as any direct charges of conspiracy were concerned. There had been the hope that Sobell would break, but this had not materialized. Hence, there remained only William Perl. And since it was now apparent that he would not furnish evidence from the witness stand the prosecution decided to have this "evidence" heard *outside* the courtroom — in other words, present his "testimony" by newspaper!

Thus on Tuesday, March 13, in the midst of Greenglass' testimony, Saypol "requested" the Grand Jury to indict Perl on the four charges of perjury described in Chapter 9. And although the indictment was properly sealed on orders of Judge Goddard, nevertheless it was taken by Saypol to Judge Kaufman's chambers the very next day, March 14.

So we find that it was Judge Kaufman himself who opened the indictment and signed the bench warrant for the immediate arrest of Perl. Not only was such an action not within his purview but, let us bear in mind, the crimes charged in Perl's indictment allegedly had been committed more than six months before! In short, Kaufman was sponsoring what the sealing of the indictment was designed to prevent — the *timed* arrest of Perl and the inevitable damage of such an arrest to the defendants on trial for their lives in the case before him.

That same night "at 9:20 o'clock," four FBI agents came to the home of the young Columbia physicist and hauled him off to jail. It is significant to note that, although this arrest concerned a comparatively minor charge occurring locally in Manhattan, the official announcement to the press was made from Washington by J. Edgar Hoover personally. Included in this press release were the following highlights, according to the New York Times of March 15, 1951:

1. That Perl was "one of two top aerodynamics experts in the country."
2. That Perl's "father was a native of Russia."
3. That his name had been "changed from Mutterperl."

The next morning there were not only sensational headlines in the newspapers but the announcement was given the broadest radio and television coverage. Thus we find this irony of ironies: Judge Kaufman had instructed the Rosenberg jury to avoid reading news-

papers "about this case," but at the same time it was Kaufman who had contributed directly to "testimony by newspaper" in a case being tried in his court.

Some newspapers carried such banner headlines as:

**"COLLEGE SCIENTIST ARRESTED AS LIAR IN
ATOM SPY CASE"**

Even the conservative New York *Times* played along with this sinister game. Here is how it connected the Perl story with the Rosenberg trial in side-by-side columns under the front page headline of March 15:

**"COLUMBIA TEACHER ARRESTED, LINKED TO 2
ON TRIAL AS SPIES**

**PHYSICIST CALLED PERJURER IN
DENYING THAT HE KNEW
ROSENBERG OR SOBELL**

... Mr. Saypol said also that Perl had been listed by the Government as a potential witness in the current atomic espionage trial.

'His intended role on the stand,' Mr. Saypol added, *'was to corroborate certain statements made by David Greenglass and the latter's wife, who are key Government witnesses in the trial.'* (Emphasis added.)

**GREENGLASS' WIFE BACKS HIS
TESTIMONY ON THEFT OF
ATOM BOMB SECRETS**

Through their combined testimony Ruth and David Greenglass gave the jury ... an illuminating picture of how Soviet spies operate."

It is doubtful that anyone takes seriously the myth that jurors avert their eyes and stop their ears whenever they see a headline or hear a broadcast concerning the case they happen to be deliberating. Regarding trial by newspaper, there are several court opinions in other Federal cases condemning such unscrupulous methods.* But

*"I need hardly say that the publishing of such comments during the course of the trial was a flagrant impropriety. If the printed words had been spoken to a juror, or if they had been contained in a letter addressed to him, an offense punishable by fine and imprisonment would have been committed; and it is little less blameable to take the most improbable

in a moment we will see that even the Court turned down the Rosenbergs' first appeal "reprehensible" conduct of the prosecution

When trial resumed the morning after, endeavored to raise an immediate protest to is the record:

Trial Resumed . . . (The following the bench, out of the hearing of the jury)

Mr. Kuntz: I saw the front page of the morning in the courtroom for the first time. The Court: Will you keep your voice

It is interesting to see how Judge Kaufman punctured the night before in helping the jury now strives to hush up the defense in order to maintain the record.

At this point Mr. Kuntz suggested that Judge Kaufman's chambers, because "this is the defendants." But during this conference was the defense up against Saypol and Kaufman but it could not possibly know where matters stood. For all it knew, Perl could have become perjured and already have concluded a "deal" in the case he could be put on the stand the next day to anything to corroborate the Greenglass testimony. This, Saypol felt on safe ground when he rejected the defense's bluff to have it out "in open court."

In addition, the defense relied unwisely on the fact that because when Saypol gave firm assurances that the defense had been returned "in the regular course of the trial."

chance of reaching the juror's mind by the widely-read journal." [United States v. Ogden,

"It is idle to say that there is no direct evidence of these articles. They appeared in daily issues of scattered broadcast over the community. The result of each session of the court, and it is incredible that the community, they did not see and read them." (Meyer v. Cadwalader, 49 Fed. 32, 36.)

*Record, pp. 756-757.

Circuit Court, which had
could not stomach the

Perl's arrest, the defense
Saypol's maneuver. Here

proceedings were had at
y:)

the New York Times this
ime. . . .
down?*

un, who had had no com-
is prejudicial maneuver,
r to keep the jury in ig-

a conference be held in
a very serious matter to
, unfortunately, not only
fman working as a team
ers stood at the moment.
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with Saypol. If such were
next day, ready to swear
s' accusations. Realizing
plied to the defense's pro-
urt."

n the honor of the Court.
hat Perl's indictment had
dministration of justice,"

method of publication in a
195 Fed. 371 (D.Pa. 1900).]
e to show that the jury read
leading journals, and were
jury separated at the close
le that, going out into the
newspaper publications."

Kaufman made an appeal to the defense "to accept his word" that
this was the truth.

Needless to say, this representation constituted a "deliberate false-
hood," as the defense subsequently charged, and only the passage of
time uncovered the strategy of the "deceit." For, although an early
date had been set that morning for Perl's trial (April 17, only a
month away), no trial took place in the two years that followed!

Despite Perl's repeated demands based on the Constitutional right
of the accused to a speedy and public trial he was not tried until a
month or so before the Rosenbergs' execution. Thus, one might add
that even his trial was precisely timed to concur with the height of
the hysteria preceding the electrocutions.

In the second appeal we can see how serious was the "calculated
fraud" involving the unsealing of Perl's indictment and his "timed"
order of arrest by Saypol, Kaufman and Hoover. This was the opin-
ion of the Circuit Court of Appeals on Dec. 31, 1952, regarding the
prejudice created against the defendants by these maneuvers:

" . . . The publication of the indictment was *deliberately*
'timed.' . . .

"Such a statement to the press in the course of a trial, *we regard*
as wholly reprehensible.

" . . . Such assumed tactics cannot be too severely condemned."*
(Emphasis added.)

And yet, despite recognizing these wrongs, the Court of Appeals
lacked the courage to right them by granting a new and fair trial.
Fearing to upset the apple cart and expose to the world the extent
of the frame-up, the Circuit Court even denied a stay of execution to
allow the appeal to go to the Supreme Court. It is important to study
the rationale of this denial:

"When publicity believed to be prejudicial occurs during a
trial, the defendant may move for a mistrial or may request the
trial judge to caution the jury to disregard it. In this case the
defendants did neither. We may assume that, in this case, *a cau-*
tionary instruction would not suffice, and that if defendants had
moved for a new trial, it should have been granted. But they did
not so move." (Emphasis added.)

*Transcript of Record, No. 687, p. 334.

Now continues the rationale. After quoting Saypol's statement to
the press and condemning it as "wholly reprehensible," the opinion
concludes:

"Nevertheless we are not prepared to hold that it vitiates the
jury's verdict when there is no allegation or evidence that any
juror read the newspaper story, and the defendants deliberately
elected not to ask for a mistrial [after conferring with the judge
outside the presence of the jury]."*

On the one hand the Circuit Court declares that so serious was
the potential prejudice that "a cautionary instruction" to the jury
by Kaufman would *not* have sufficed. But on the other hand it con-
tradicts itself by resorting to the excuse that no juror came forth to
admit having been prejudiced!

What do we see in this rationale but the most determined effort
to interpret a vital issue involving due process of law (fair trial), not
so much to favor the prosecution, *but to do nothing to delay the ex-*
ecutions of the Rosenbergs?

Had these Circuit Court judges been only slightly disposed toward
the ends of justice, they could have found a score of valid reasons to
interpret the issue in favor of a new trial or at least a stay of execu-
tion in order to give the Supreme Court an opportunity to weigh
the matter before the death switch was pulled. But no, they preferred
to take their stand on a legal quibble: That because the defense
counsel had been stupid, gulled, deceived, inefficient, naïve and too
timid to challenge Saypol's bluff, and too trusting to question the
"word" of Kaufman — that because the defense counsel had neglected
to move for a new trial (*which would have been granted by a higher*
court had Kaufman denied the motion) — two human beings were
to be consigned to their deaths!

In other words the Court of Appeals — not unlike Pontius Pilate —
washes its hands after it has just found the verdict corrupt and
after it has shrugged off the prosecution's machinations, by shifting
the responsibility to the victims.

Fortunately, however, as the execution date drew near,† that great
American jurist, Judge Learned Hand, the senior member of the Sec-
ond Circuit Court of Appeals, came out of semi-retirement and took

*Compare this judicial quibble concerning the lack of evidence that any
juror had read Saypol's newspaper statement with opinion from Meyer v.
Cadwalader just cited in footnote on page 491.

†Following President Eisenhower's denial of clemency on Feb. 11, 1953, a
new execution date was set by Kaufman for the week of March 9, 1953.

his place on the bench. After reviewing the issues involved in the appeal together with Judges Augustus Hand and Jerome Frank, their unanimous decision was that "possible prejudice" had been present during the trial and that a stay of execution was mandatory. According to the *New York Times* of Feb. 18, 1953, Judge Frank stated at the hearing of the reconsidered appeal:

"There is substance to this argument [of the defense] and for my part, I believe the Supreme Court should hear it."

Needless to say, the prosecution was not a little startled at this sudden turn of events. Only the day before Judge Kaufman had set the new date for the execution. Now, to its astonishment, here was the famed Judge Learned Hand, who had replaced the previous Chief Judge, Thomas Swan, sending on the appeal to the Supreme Court with this indignant comment:

"People don't dispose of lives, just because an attorney didn't make a point. . . . You can't undo a death sentence. There are some Justices on the Supreme Court on whom the conduct of the Prosecuting Attorney might make an impression."

And as the prosecution began to bluster that the case had been continuing long enough and that it was time to execute the Rosenbergs without further delay, Judge Hand reprimanded him sternly:

"Your duty, Mr. Prosecutor, is to seek justice, not to act as a time-keeper."

It was a triumphant moment for American justice, but one that was short-lived. For when the appeal reached the Supreme Court on March 28, as we know now from the subsequent disclosure made by Justice Hugo Black, its members voted to deny it without even reviewing the trial record and therefore without affirming "the fairness of the trial."*

For those Americans who have been repeatedly deceived by official declarations that the Rosenbergs received their full measure of justice in the course of their appeals to the Supreme Court, here is Justice Black's full statement appearing in the *New York Times* on June 20, 1953, the morning after the death of the Rosenbergs:

"It is not amiss to point out that this Court has never reviewed this record and has never affirmed the fairness of the trial below. Without an affirmance of the fairness of the trial by the highest

court in the land there may always be these executions were legally and right

And so we see that, although the Rosenbergs were never actually opened to them. And as Justice William Douglas attempted to open with his last-minute stay of execution, extraordinary pressure was exerted upon the Department of Justice to keep them tightly

*For a penetrating analysis and condemnation of the Supreme Court's denial of the appeal, see the *Columbia Law Review*, *op. cit.* in Special Session," pp. 241-260.

*On this second appeal, Justice Douglas joined with Justice Black.

e questions as to whether fully carried out."

nbergs (and Sobell) were highest court, these doors when someone as conscripted to intervene and pry execution, the most extraordinary Supreme Court by the De-losed.*

of the unprecedented emergency vacate Justice Douglas' stay, on vi: "The Supreme Court

"Allies of the Court"

"Surely it is striking to note that had the Rosenbergs been tried across the street, in a New York State court where corroboration is required, a conviction would have been unlikely on this record."

— Columbia Law Review, op. cit., p. 234

IN the course of the above observation the *Columbia Law Review* emphasizes the fact that the testimony of Elitcher, Gold, Bentley and the Greenglasses was never corroborated by any independent witness. Accordingly, in its entire presentation of "The Facts" of the case, there are only four brief sentences describing the combined testimony of all the other eighteen witnesses called by the prosecution.

What does this mean? Simply that out of the original heralded list of 102 Government witnesses only the testimony of the above five is considered worthy of examination. Moreover, as the *Columbia Law Review* points out, the Government's case consisted solely of "accomplice testimony" — in other words, of such inherently unreliable character that no conviction would have been likely in a New York State court, nor in twenty other states where accomplice testimony requires nonaccomplice corroboration. For our thorough satisfaction, however, here is a brief review of the testimony of these eighteen witnesses:

1. Walter Koski*: The scientist whose testimony we have already dealt with in part when we examined the improbability that Greenglass could have "snooped out" the atomic information as easily as he claimed. It should be noted that Koski was put on the stand in the midst of Greenglass' testimony in order to give it the appearance of official corroboration. However, the record shows that he corroborated nothing save that Greenglass' "copy" of the alleged lens sketch was "reasonably accurate." Since no one claims that Greenglass was not capable of copying such a sketch, this testimony is valueless as

*For Koski's full testimony, see Record, pp. 466-488.

corroboration. In no way does it suggest that Greenglass ever gave such sketches to the Rosenbergs or to Gold.

2. John A. Derry*: The liaison officer of whom Bloch requested that he give his opinion of Greenglass' scientific capacity. It will be recalled that Kaufman prevented the reply. As for the balance of Mr. Derry's testimony, the record shows that he did no more than state that Government Exhibit 8 would have been considered a valuable secret back in 1945. Again, this testimony had nothing to do with the alleged guilt of the Rosenbergs and therefore had no corroborative value.

3. Col. John Lansdale, Jr.†: The lawyer who testified about the strict security measures at Los Alamos. As we have shown, this testimony flatly contradicted Greenglass' claims that he could pump information from scientists at will. In addition, Lansdale's description of the undercover men operating in all adjoining towns made Gold's testimony about his nonchalant movements in Albuquerque quite incredible. As for corroboration pointing to the Rosenbergs' guilt, there is not even an innuendo in this witness' testimony.

4. Lan Adomian‡: A Russian-born, naturalized American citizen employed by the Amtorg Trading Corporation in 1940 as a translator. After testifying that he had met Yakovlev in 1944, he was asked to identify the latter's photograph. Whereupon he dutifully did so. There was no further testimony.

5. Mrs. Dorothy Abel§: The younger sister of Ruth Greenglass. Although she was put on the stand immediately after Ruth to give the impression that she was corroborating testimony of her sister, her direct examination contained only the following points:

That she was present when Julius had come to Ruth's apartment one evening early in 1945, just before the latter moved to Albuquerque. That during this visit she was told by Julius to take a book and leave Ruth and him in privacy. That she went "into the bathroom and closed the door."

That "from time to time" she had conversations with Julius and Ethel "concerning Russia." That one of these conversations had taken place "during the winter time" of 1944, when she had accompanied "Ruth, David and Julie and Ethel" to a show. On this occasion, when she was but sixteen, Mrs. Abel declared, the Rosenbergs had discussed "the Russian form of government" with her and, in

*For Derry's full testimony, see Record, pp. 905-916.

†For Lansdale's full testimony, see Record, pp. 879-902.

‡For Adomian's full testimony, see Record, pp. 947-949.

§For Dorothy Abel's full testimony, see Record, pp. 787-792.

comparing it with "our form," had said it was "the ideal form of government." And finally that they had said the United States "was a capitalistic form of government."

On cross-examination, Mr. Bloch showed it was unlikely that the Rosenbergs, who were twenty-six and twenty-eight years old in 1944, would have had any serious political discussions with a high school girl of only sixteen, who, in admitting her educational limitations, mentioned that she had never studied civics or economics.

In the first place, let us grant that the Rosenbergs did allude to the United States as "a capitalistic form of government." No one will deny that this is the standard definition of our particular economic system. In any event, it had nothing to do with the question of the guilt or innocence of the Rosenbergs and furnished no corroboration of any portion of Ruth's testimony.

Second, there is a minor but perhaps significant falsification of fact in Mrs. Abel's testimony. How could she have gone "out to a show" with the Rosenbergs and the Greenglasses in the winter of 1944, when David was not in New York City at any time that year? According to David's testimony, the only time he returned to New York after being drafted into the Army was during his furlough in 1945! There is no mention in the Greenglass or Rosenberg testimony that they ever went to a show with Ruth's sister during this furlough or at any time in 1945.

Concerning the item of remaining in the bathroom, here again is an extension into conspiracy of an innocent visit on the part of Julius to the home of his sister-in-law. According to Ruth's testimony, Julius came to inform her of the date the courier (Mrs. Sidorovich or her substitute) would meet her at the Safeway Store in Albuquerque. What actually happened, however, was that Ruth had telephoned Julius, saying she wanted to see him about something. Some evenings later, when Julius came up, she hurriedly whispered to him:

"I would like to talk to you alone. Tell the kid [Ruth's sister] to go into the bathroom."

Whereupon Julius, wondering what it was all about, did so and was left alone with Ruth. Here is the record, as Julius describes this visit on direct examination:

A. [Julius]: Ruthie told me something to this effect: "Julius, I am terribly worried. David has an idea to make some money and

*Compare Greenglass' testimony in Record, pp. 396-398 and 427, with Mrs. Abel's testimony, pp. 789-790.

take some things from the Army"; not to do anything foolish. He will have read some accounts in the news about foolish things and taking part in them and their getting themselves in trouble — make sure tell him that he is not to do that sort of thing.

Q. [Bloch]: Was there any talk at that time which was to be conveyed to David?

A. No, there was no talk like that.

Later that night, when Julius arrived home, he told Ethel. Here is his testimony:

A. [Julius]: I mentioned to my sister that my brother has some crazy notions about making money out of his head — something to that effect.

Q. [Saypol]: What did your wife tell you?

A. She said it was a good thing that he was not doing that.

Q. Now knowing that... there was a possibility of making money by stealing, did you tell anybody else but your wife?

A. That's correct.

Q. And did it occur to you that he was going to get gasoline — is that what you said?

A. Parts, that's what occurred to me.

Q. What kind of parts?

A. Tools.

While we are dealing with this subject, let us see how Judge Kaufman described the prosecutor's role:

Q. [Saypol]: Now there came a time when Julius was discharged from the Army in 1945.

A. [Julius]: Yes.

The Court: Wait. I want to ask you a question between that incident and the discharge from the Army you never had occasion to contact David Greenglass to take things from him.

*Record, pp. 1087-1089.

nd I told her, "Warn David only get himself in trouble. I papers about some G.I.'s do and gasoline from the Army, ble," and I told her, "Don't doesn't do anything of that

hat time about any informa- e Los Alamos Project? t.*

home, he mentioned the in- n cross-examination:

ife when I came home that ut I told Ruthie to knock it effect. ay? t I told Ruthie to warn him.

involved your wife's brother g things from the Army, you

would probably try to steal ne.

t of Greenglass' thefts from an intervened to take over

me when David Greenglass b, wasn't there?

u something. You mean be- e of David Greenglass from liscuss this desire on the part rom the Army?

The Witness: No, because it didn't enter my mind; it was just like a passing incident.

The Court: The fact that a brother-in-law of yours was about to get himself into some kind of difficulty by taking things from the Army, that didn't belong to him did not enter your mind?

The Witness: No, sir, not at that time. (Emphasis added.)

From what follows we will see that Kaufman would have had Julius run to the authorities to report that his wife's brother had a "desire" or "was about to" take something from the Army. Here is the record as Saypol, picking up the cue, demands why Julius did not inform on David at the time the FBI first questioned him:

Q. [Saypol]: Did you tell the agents about that [David's "ideas" of stealing] when they interviewed you on June 16th?

A. [Julius]: They didn't ask me about that.

Q. Did you think you should have volunteered it to them?

A. Well, when a member of the family is in trouble, Mr. Saypol, you are not interested in sinking him.

The Court: Were you trying to protect him at that time?

A. Well, I didn't know what he was accused of, your Honor. I had a suspicion he was accused of stealing some uranium at that time.

Q. [Kaufman]: Very well. Now this incident that occurred in January or February, 1945, that is, taking things from the Army, would be related to such an incident, wouldn't it?

A. That is correct.

Q. The question, I believe, asked by Mr. Saypol was whether or not you revealed that to them [the FBI] when you were questioned?

A. They didn't ask me that, your Honor.*

What is the essence of this badgering from the bench? Is it not to say in effect: "Very well, Rosenberg, you say you are innocent of espionage, but how can I allow the jury to believe in your innocence when you did not inform on your brother-in-law's *ideas* of stealing parts and gasoline?" And with regard to the uranium: "Very well, you say you are not guilty of espionage, but you did not voluntarily inform the FBI that you had a *suspicion* that your wife's brother had

stolen a sample speck of uranium. Therefore this proves you protected him, because you and he were guilty of having stolen the atom bomb."

Perhaps the naked hostility which was continually leveled at Julius (and later at Ethel) can best be summed up in this way: At no time during the testimony of the Greenglasses, Elitcher or Gold did Judge Kaufman ever show the slightest doubt concerning the truthfulness of these self-styled criminals. On the other hand the Rosenbergs should have been protected by the presumption of innocence. They were treated as though their guilt were a matter of judicial notice. Furthermore, Kaufman not only *knew* that Elitcher was a self-confessed perjurer and therefore unworthy of belief but he also knew that Elitcher had paid for his freedom with his testimony. And as for Gold, is it necessary to add that Kaufman was only too aware of his fabulous powers of concoction?*

The above is only one illustration of the lengths to which Judge Kaufman went in his role as Judge-Prosecutor. All through Julius' and Ethel's cross-examination they were caught between a crossfire so intense that it was often difficult to tell who was conducting the interrogation, Saypol or Kaufman!

To continue with the witnesses called in behalf of the prosecution, the next to follow Mrs. Abel was her husband:

6. Louis Abelf†: The brother-in-law of the Greenglasses, to whom they had allegedly given a sum of \$4,000 to hide in a hassock in home a few days before David's arrest. His testimony was that, at 2 o'clock in the morning of June 16, Greenglass had telephoned him to engage Rogge as his attorney. That he had done this later that morning. That after Rogge had gone "down to see Dave," a message was relayed to him to deliver the \$4,000 to the attorney. That thereupon Abel gave the money to Rogge's partner and a secretary (Mr. Fabricant and Mrs. Pagano). And that the \$4,000 was wrapped in "a piece of brown paper."

If we are to believe Greenglass' testimony that he told the FBI everything that was important on the day of his arrest, then how is it he failed to tell them about the largest sum he had ever received "from the Russians"? If this Russian money had any reality at all, then it is odd that Greenglass' confidential memo to Rogge fails to

*The reader will recall how, in the Brothman trial, Kaufman said of Gold:

"... He concocted these things from beginning to end."

†For Louis Abel's full testimony, see Record, pp. 792-798.

*For cross-examination of Julius concerning the above, see Record, pp. 1219-1226.

mention it, even to the extent of saying, for example: "I didn't tell them about the \$4,000 because I wanted to hold on to it so that I could pay it to you."

How can we believe the Greenglasses' claims about their early remorse (dating back to the very day they became spies), when by their own testimony they concealed this substantial sum from the FBI? Can we believe that after Greenglass' telephone call to Louis Abel the FBI would not have trailed this brother-in-law and seen him carrying the package of money to Rogge's office later that day? Would they not have seized Abel and the \$4,000 promptly?

It should be self-evident that Abel's entire testimony is as much a cock-and-bull story as that part dealing with hiding the money in his "hassock," which is so suspiciously reminiscent of Chambers' "pumpkin." For the truth is, as we know from Rogge's file memos, that whatever monies were paid the lawyer were largely derived from the Greenglass' relatives.*

And how strange it is that Rogge, who protested Greenglass' innocence on June 16, should nevertheless hold fast to the brown paper wrapping, which one might ordinarily toss in a wastebasket! Incidentally, it would be interesting to know exactly when it was that Rogge delivered to the FBI this piece of brown paper which later became Government Exhibit 10 in evidence.

In his summation Mr. Bloch made the following astute observations about this scrap of brown wrapping paper:

[Bloch]: If Rosenberg handled this . . . I am just wondering how it is that this wasn't subjected to fingerprint analysis or that no fingerprint expert came here to tell us whose fingerprints were upon that wrapping paper. But is there anything as you look at this exhibit which would bring it home to Rosenberg? You can have a paper like this in your house and I could have a paper like this in my house. In other words, this exhibit, as some of the other exhibits, are only connected with Rosenberg by reason of what people said, but the exhibit as you look at it by itself doesn't connect Rosenberg with anything.

Another vital point which Mr. Bloch raised dealt with the suspicious relations between the Greenglasses and Rogge:

*See Rogge file memo in Appendix 3. *Note:* In the meeting of the Greenglasses' relatives at Rogge's office, the memo discloses, Louis Abel was present. Be it also recalled that both the Abels were announced at the trial as Rogge's clients in addition to the Greenglasses and the Elichers. In short, Rogge represented no less than six announced prosecution witnesses.

"If they [the Greenglasses] were Government . . . they would have developed [brown paper], had it in Government agents, 'Here, Rosenberg is the man. This is yours. This is money.'

"... You all know that \$4,000 lawyer. And people usually pay, are going to go to jail, come to them; but here are people with witnesses. ...

"Why the secrecy about the lawyer of \$4,000?"*

To sum up Abel's testimony: It was not corroborative testimony. It was not evidence of the crimes charged and in no way did it tend to prove the charges. Hence it was not corroborative testimony.

In line with our thesis that half basis for half lies and full lies, we \$1,000 debt, which obsessed the Gr threatened suit, was undoubtedly payment of "flight" money. Under concerning his business losses, we tendency to transform truth into trace the second payment of \$4,000

A. [Greenglass]: My brother and I started another firm called Radar. I convinced my relatives to invest in that firm. When the firm did not make out, they just gave me \$5,000. That \$5,000 was brought over to G. & R. and invested in G. & R., and \$5,000. . . .

In other words, we owed a total of \$4,000. It turned out to be \$4,000.

Q. [Bloch]: And did your b
in part from your mother?

A. The money was borrowed
had no knowledge that the mo

*Record, pp. 1459, 1471-1472. Note: S
"We Blush for Rogge," in which t
role" as a witness for the state "again

when I got out and went into the business *I obligated myself for this money.** (Emphasis added.)

It is surely appropriate here to quote Judge Kaufman's initial instructions to the jury, "You add a column of figures and you get a result":

Greenglass' first payment of flight money.....	\$1,000
Greenglass' second payment of flight money.....	4,000
Total.....	\$5,000

Debt owed Greenglass by Julius.....	\$1,000
Debt assumed by Greenglass for his family's loss of investment.....	4,000
Total.....	\$5,000

While we are on this subject of the \$4,000 let us dispose of the testimony of another Government witness:

7. Mrs. Helen Pagano†: The secretary of O. John Rogge, who testified that Louis Abel came to the office on June 16 and later returned with the package of money containing \$3,900.‡ Nowhere in her testimony does she mention or indicate the name Rosenberg. She merely confirms that Abel delivered such a sum of money on June 16. Since we may assume that Greenglass could have put away a good part of this sum from the proceeds of his black market sales and that his relatives could have contributed the rest, the fact that it was delivered to Rogge that morning is immaterial.

ii

We come now to what might appear to be testimony unfavorable to Julius, tending to prove — if not the charges in the indictment — at least the allegation that Julius was helping David to leave the country, and that he was doing it in a suspicious and illegal way. Moreover, this testimony was especially damaging because it was offered by Julius' own physician:

8. Dr. George Bernhardt§: This doctor, a neighbor of the Rosenbergs, lived in an adjoining building (40 Monroe Street) in Knickerbocker Village, and had treated Julius for some six or eight months

*Record, pp. 662-663.

†For Mrs. Pagano's full testimony, see Record, pp. 1420-1424.

‡According to the Greenglass testimony, they took \$100 from the \$4,000 for personal use.

§For Dr. Bernhardt's full testimony, see Record, pp. 848-857.

for hay fever. Here is the full reference to Dr. Bernhardt in the *Columbia Law Review*:

"George Bernhardt, Rosenberg's physician, testified that Rosenberg had sought information in 1950 concerning injections necessary for admission into Mexico. . . .

"As to Dr. Bernhardt's evidence concerning Mexican inoculation requirements, Rosenberg testified that he had sought this information for the benefit of David Greenglass — that Ruth had informed him that her husband was in trouble for stealing while in the Army."*

From the instant this writer saw the testimony relating to the vaccination certificate it seemed almost certain to him that here was the key to the proof of Julius' innocence. Unfortunately, Mr. Bloch was ignorant of the fact that a smallpox vaccination had *not* been required for entry into Mexico, but in all fairness it should be stated that this writer would have shared that ignorance had it not been for the trip made to Mexico in 1951, mentioned in Chapter 7.

We have emphasized this before, but it is so important it bears re-emphasis: How is it that a seasoned spy-master, who is supposed to have prepared the "elaborate prearranged scheme" and the "carefully planned pattern" for the flights of Morton Sobell, the Greenglasses and others,‡ was completely ignorant of the simple fact that a vaccination certificate was *totally unnecessary* for entry into Mexico? Here is Julius' direct examination concerning his request to Dr. Bernhardt during one of his periodic visits to receive an injection for hay fever:

A. [Julius]: Then I asked Dr. Bernhardt about vacations in Mexico, what are the requirements? And he told me that you need to have a smallpox injection. Well, I asked him would he make out a certificate for smallpox injection for somebody he didn't vaccinate. He said, No, he would not.

Q. [Bloch]: . . . Did you ask the doctor about Mexico because of the conversation that you had had with David earlier?

A. Yes, I did.

**Op. cit.*, p. 222.

‡See Saypol's accusations that Julius had also planned the flights of William Perl and other friends, named Joel Barr and Alfred Sarant. These accusations, which were never proved, were firmly denied by Julius and were exposed by the defense as deliberately inflammatory. (Record, pp. 1193-1200, 1490-1491.)

Q. But you didn't tell it to the doctor . . . that it was a friend of yours . . . or a relative, who was contemplating going to Mexico?

A. I didn't tell him "a relative." I just told him "a person."*

The entire incident reveals how normal were Julius' behavior and thinking at the time: Here was his brother-in-law David, scared to death not only because he had been involved in some black market ring but especially because of the uranium sample he had foolishly stolen. In addition, there was that February visit from the FBI to David concerning the uranium. With the headlines full of Red spy hunts, it was quite natural that Julius should sympathize with David's fear that these Army thefts would become magnified.

While it is true that Julius, in attempting to assist his wife's brother to secure an illegal vaccination certificate, was technically violating the law, such an act is deeply ingrained in the American tradition, *i.e.*, helping the persecuted during a wave of political hysteria. Furthermore, Dr. Bernhardt's testimony tends to prove Julius' innocence rather than his guilt. Because whereas Julius recalls that he made his request in person at the physician's office the latter insists it was "a telephone conversation" and that it took place "in the latter part of May," 1950.

Now we recall from Greenglass' testimony that the FBI surveillance which he and Julius were so concerned about occurred also in the latter part of May, 1950. Surely such a telephone conversation would be the very last thing a spy-master would have risked, because the first thought that would occur to him would be the possibility of FBI wire tapping. If, then, we accept Dr. Bernhardt's testimony that Julius made his illegal request by telephone, it is almost impossible to believe that his actions were those of an experienced spy.

Indeed, if he were, why would he go to all this potentially incriminating trouble, whether he made a personal inquiry or a telephonic one? Why wouldn't he simply send David to Dr. Bernhardt or to any doctor to have his vaccination and receive his certificate *legally*? This would be a perfectly harmless thing, since tens of thousands of persons were making travel preparations in May of 1950 and were getting such vaccinations for re-entry purposes. And if it be contended that Julius feared this would be too dangerous, *then why wasn't it dangerous to make the illegal request to Dr. Bernhardt by telephone?*

In short, how can we believe that Julius was the astute, wary, prudent spy-master he is made out to be, when we see him stupidly leav-

*For Julius' direct testimony regarding Dr. Bernhardt, see Record, pp. 1121-1125.

ing this very damaging trail behind him? For, as we have seen, he could have obtained accurate information concerning the requirements (or rather the lack of such requirements) by simply picking up a Mexican travel folder in any travel agency or by phoning the Mexican Consulate anonymously, without any risk of exposure whatsoever. In this regard, it is a fact that Dr. Bernhardt was as ignorant as Julius was of the need for entering Mexico, which was unfortunate. For the fact that one needed a smallpox vaccination certificate to return to the United States, this knowledge could have been made available to the defense.

To sum up, then, not only is there no corroborating testimony to corroborate any of the charges of espionage, but the entire incident of the vaccination certificate, which was advantageously used by the defense had it been known that a certificate was required for Mexican travel!

iii

"Now, you know the FBI operates around like some of the precincts and swat you will operate that way. These are the ways they operate."
— From the summary

Although the testimony of the next Government witness, Mrs. Evelyn Cox, has already been discussed in connection with the effort to expose the creaking framework of the case, it is worth repeating here.

9. Mrs. Evelyn Cox*: The housekeeper for Julius and Ethel Rosenberg from 1944 and 1945. A rebuttal witness, her intention was to have her provide confirmation of the fact that the console table had been a gift from Julius. When we examine her testimony, we find a mention of the console table. Not only is there no such confirmation about the console table — the alleged hollowness of which was apparently never seen by Mrs. Cox. In his summary, the Government presents this vital point:

[Bloch]: Now, Mrs. Cox did work for Julius and Ethel. They cleaned their home, amongst others. . . .

*For Mrs. Cox' full testimony, see Record, pp. 146-147.

re have pointed out, concerning inoculation (elements), by simply agency, or by tele- without running any appears from the rec- of the requirements had he told Julius te only in order to ld have been made

r. Bernhardt's testi- age but it appears te could have been ware that no such

esn't have to come allies in our police ackjacks; they don't are gentlemen." of Emanuel Bloch, Record, p. 1486

at witness has al- ole table, it, too, overnment's case: worked for Ethel role on the stand nglass testimony ssians. However, raordinary situa- he critical point it portion — was n Mr. Bloch pre-

Rosenbergs. She ou think that if

this console table was as described by Ruth Greenglass, Mrs. Cox, who probably cleaned that house God knows how many times — she said two or three times a week for maybe a year or two — don't you think it would have caught her eye that there was a hollow there for a purpose? Did you hear Mrs. Cox testify to anything of the kind? She did not.

I say to you, that Mrs. Cox's testimony, if anything, corroborates the Rosenbergs' testimony as to what kind of a console table that is, because if it were any other kind of a console table, as described by Ruth Greenglass, Mrs. Cox would have been the first one to tell you it had a hollow for photographic purposes.*

As for the table being a gift "from the Russians," here is Mrs. Cox' direct testimony:

Q. [Saypol]: When you saw this new table, did you have some talk with Mrs. Rosenberg about it?

A. [Mrs. Cox]: Yes, I admired the table. I asked her where it had come from. . . .

Q. . . . You say you admired it?

A. Yes. I said — I asked her where it came from. It was such a pretty table and she said that a friend of her husband gave it to him as a gift. . . . It was a sort of wedding present. . . .

Q. Did she ever say to you that she bought it in Macy's?

A. No.

Q. Did she ever say to you that her husband bought it and paid \$21 for it in Macy's?

A. No, she said it was a gift to her husband from a friend.

Perhaps the attributed statement, "a gift . . . from a friend," was designed to carry sinister overtones; however, it is still not synonymous with "Russians." Furthermore, no one can be so naïve as to believe that Saypol did not rehearse this testimony with his witness, an elderly Negro woman who must have been as terrified of the FBI as was Mrs. Annie Lee Moss of her first McCarthy hearing.† In any event, on cross-examination, there arose the danger that her responses might favor the defense. In the following excerpt, notice the deft hand of Kaufman as he prevents this:

Q. [Bloch]: May I ask you, Mrs. Cox, in the two years in which you worked for Mrs. Rosenberg did you find Mrs. Rosenberg to be an honest woman?

A. Very.

*Record, pp. 1483-1484.

†Los Angeles Times, February 28, 1954.

Mr. Saypol: I object.

The Court: Are you making a character witness out of her?

E. H. Bloch: Yes.

The Court: Then you have got to ask her about her reputation in the community.

Mr. E. H. Bloch: I will.

The Court: And she won't know her reputation in the community because she doesn't live in the community.

Q. [Bloch]: Mrs. Cox, did you discuss Mrs. Rosenberg with any of the people around Knickerbocker Village?

A. I didn't know anyone around.

Mr. Bloch: All right, that is all.

One would expect that an unbiased judge seeking the truth and an unprejudiced prosecutor seeking to protect the innocent would have welcomed this isolated instance of independent testimony concerning Ethel's character. But how promptly Saypol and Kaufman stave off Bloch's line of inquiry the moment they hear a kind word about Ethel.

From the disclosures made in the previously mentioned affidavits of Mr. Summit and Reverend Williamson concerning the apparent coercion undergone by Mrs. Cox, one cannot help concluding that she was induced to "remember" Ethel's alleged reply that the table was a "gift" from a friend.

(Note: How many of us can accurately remember a casual conversation held six or seven years back? Mrs. Cox was testifying in 1951 about a random conversation which had occurred in 1944 or 1945.)

If the table had really been a Russian gift containing a hollowed-out area for microfilming, is it conceivable that Ethel would have admitted it was a gift? Would she not sooner have lied and said casually, "Oh, it's just something Julie picked up at a knockdown sale at Macy's"? In fact, anticipating that the cleaning woman might become curious about the new table standing so conspicuously among all the secondhand furniture, would not Julius and Ethel (as spies) have prepared such an explanation in advance?

One minor but significant comment on Ruth Greenglass' testimony as it compares with that of Mrs. Cox: We have seen that the latter says she had "admired the table." In direct testimony, Ruth employs exactly the same words:

"I admired the table . . . and I asked Ethel when she bought a new piece of furniture . . ."

*Compare Ruth's testimony in Record, p. 706, with Mrs. Cox' on pp. 1409-1410, 1414.

In Chapter 18 regarding the console table, we have already exposed this bit of elaboration when we demonstrated that Ruth *must have seen* the table during her visits to the Rosenbergs in 1944 and 1945. Therefore, it is doubly suspicious that she and Mrs. Cox should use the identical phraseology: "I admired the table." But, regardless of discrepancies, improbabilities and unmistakable signs of instructed testimony, there is the all-important fact brought out by Mr. Bloch: Despite cleaning, dusting and moving the few bits of furniture in the Rosenberg apartment three days a week all through the year 1945, Mrs. Cox *never noticed any hollowed-out portion in the table and never mentioned this critical point in her testimony.*

Which gives rise to what is perhaps the most appropriate question to conclude with: Why didn't Saypol put this key query to Mrs. Cox: "Did you ever notice a hollowed-out portion in the table into which someone could fit a lamp for photographic purposes?" Or is it possible that he attempted to do so in private rehearsal and that he received only a sharp glance which told him, "Look here, Mister — so far and no further!"

iv

Such, then, was the testimony of the nine of the eighteen Government witnesses whose statements can be said to be related to the Rosenbergs.* Reviewing them briefly, Koski, Derry and Lansdale (1, 2 and 3) never even mentioned the Rosenbergs. Mr. Adomian (4) was brought on only to identify a photograph of Yakovlev. Dorothy Abel (5) could not corroborate Julius' alleged conspiratorial conversation with Ruth because she was in the bathroom and didn't hear it. Her testimony that the Rosenbergs were of the opinion that the United States had a capitalist form of government and that Russia had an ideal form of government, even if truthful, has nothing to do with the crime of espionage. Louis Abel (6) received from the Greenglasses a sum of money and delivered it to Rogge. But it was not connected with the Rosenbergs or espionage, because Abel did not know where Greenglass had obtained the money. Mrs. Pagano (7) merely knew that Rogge's fee had been delivered; nothing to do with the Rosenbergs or espionage. Dr. Bernhardt (8) knew only that

*The testimony of eight of the remaining witnesses is related almost exclusively to Sobell and will be taken up separately. The last one, the exposed perjurer Ben Schneider, was a surprise rebuttal witness, whose testimony completed the trial. Therefore, it will be more appropriate to analyze his testimony at the end of the chapter dealing with the Rosenbergs' defense.

Julius had inquired about a vaccination certificate for a "person" contemplating a trip to Mexico; nothing to do with the crime charged. And finally Mrs. Cox (9), who stated she recalled that Ethel had said the console table was a gift from a friend, which did not confirm that it was a gift from the Russians or that it was a hollowed-out table such as the Greenglasses had described.

In short, the charge of the Rosenbergs' conspiracy to commit espionage was in no way corroborated by any of these independent witnesses.

In preceding chapters we have had occasion to examine the inconsiderable talents of another witness, who falls into a separate category, namely Elizabeth Bentley. She was neither a major witness, of the importance of Elitcher, Gold and the Greenglasses, nor was she, as a self-styled Red spy queen, correctly an independent witness. Indeed, her reputation has become widely accepted as that of a professional witness.

In view of the fact that her testimony had the special, unique purpose to prove the crimes of the Rosenbergs and Sobell by means of the technique of "guilt by association," it has been felt that she deserves a chapter all to herself.

"This is her business; her business is testifying."

— Emanuel Bloch; Record, p. 1480

ON Wednesday morning, March 21, Miss Elizabeth Bentley took the stand. Following the appearance of Gold the trial seemed to have lost its news interest, at least as far as the prosecution's minor witnesses were concerned. On the front page of the New York Times that morning there was no mention of the trial. Only on page 14 could one find the caption: "Spy Trial Speeded Toward Early End." And in obvious editorial juxtaposition there appeared on the same page the ideological sermon for the day from J. Edgar Hoover, voiced through one of his foremost spokesmen:

"RED INFILTRATION CITED

"McCarran Quotes Head of FBI on Russia's Studied Effort

"'Communists are being infiltrated into our various agencies of government,' Senator McCarran said, and he added that if war came they 'would strike us down from within.'"

Hence those Rosenberg jurors who may have read their newspapers that morning were well primed for Bentley's testimony, which, of course, dealt with the same dogma.

Perhaps the unusual press indifference to Bentley's appearance can best be explained by the fact that she had simply worn out her news value. With the great number of times she had been trotted out before investigating committees, Grand Juries and, more recently, the Remington trial, she had come to be looked upon as just another "career informer."^{*}

Perhaps, too, a certain amount of journalistic distaste was felt because of the disturbing fact that, though she had confessed to betraying the United States for seven years, instead of being punished for her crimes she was perfectly free to publish her autobiography,

^{*}See Record, p. 1020, wherein Bentley was asked how many times she had testified previously. This was her reply: "Oh, good heavens, I don't know."

magazine and newspaper articles, and give lectures "to civic groups" throughout the country, all providing a very handsome income.^{*}

"The more they talk, the more they are in demand; and the more they are in demand, the more they talk."[†]

At the time of trial Bentley was forty-four years old. Following her graduation from Vassar in the early 30's, she states, she went to Italy, apparently to continue her studies at the University of Florence. However, it is known that she was so greatly impressed by Mussolini's "efficiency" that she became a member of the University Fascist Group there.[‡]

Hence it is not surprising that a few years after her return to the United States she secured employment at the Italian Library of Information in New York, an official division of the Italian Propaganda Ministry. This was in July, 1938. It is her claim that she had joined the American Communist Party some three years earlier, i.e., in 1935. During her employment at the Italian Library, according to her testimony at the Brothman trial, she went to Communist Party headquarters and volunteered to furnish samples of fascist propaganda then being distributed by the Italian Propaganda Ministry. However, she admitted that all of this material was available to anyone who came into the Information Library to ask for it.

It was in the fall of that same year, 1938, that Bentley met the man she describes as her lover, one Jacob Golos, whom she called "Yasha" but whose "undercover" names were "Timmy" and "John."

According to her testimony at the Rosenberg trial,[§] Golos owned a travel agency, known as World Tourist, and behind this "front" he was actually one of a three-man control commission of the Communist Party which "kept the membership in line and told them what they should do." During the next five years, until Golos' de-

^{*}As an illustration of Bentley's prosperity as a professional witness, these are the declarations she made at the Rosenberg trial: "I received a \$3,000 advance from my publisher." "Well, I have several bank accounts. . . ." (Record, pp. 1005, 1008.)

[†]Frank J. Donner, "The Informer," *The Nation*, April 10, 1954, p. 298.

[‡]On cross-examination at the Remington trial, Bentley admitted her membership in the GUF, "Gruppo Universatorio Fascista." She claims she "belonged to it" only for the purpose of obtaining "cut rates on various things" and didn't subscribe to its "ideology." But this was obviously to protect her testimony as that of an anti-fascist Communist. (See Remington Record, U. S. Courthouse, New York City.)

[§]For Bentley's full testimony, see Record, pp. 964-1024.

mise in 1943, she declares, she collected information from members of the Communist Party to be passed on to him. Previous to his death, she states, she was promoted to courier, and as such was introduced to the first secretary of the Soviet Embassy, one Anatol Gromov, whose undercover name was "Al." In further testimony she states that Gromov relayed orders to her from Moscow for delivery to the secretary of the Communist Party, Earl Browder, who then passed them "right straight down the line."

In May, 1945, she testifies further, she met a certain captain "doing undercover work for the United States Government" and during the next three months was taken out socially by him, despite her claim that she was "working for the Russian secret police" at this time.*

And so it was, we are told, that in the latter part of August, 1945, evidently as a result of the persuasiveness of the "captain" who replaced the deceased "Yasha," Miss Bentley decided to go to the FBI and "work with them" instead of with the Russian secret police.

"Curiously enough the political informer, spy or agent provocateur . . . may admit to all kinds of past knavery and mendacity, but the greater his self-debasement, the greater his claim to belief. That he now acts from patriotic motives is conclusively presumed."†

After 1945, it appears, Bentley became a double agent, reporting regularly to the FBI and acting as a "stalking horse to lure Soviet agents" into entrapment.‡ In the spring of 1947 her Grand Jury testimony led to the questioning of Gold and Brothman, which, as we know from Mr. Hoover's article, resulted in "no bill." But in 1950, as we have seen, Gold thought up his new and different story involving the "small white card" found in his cellar closet, and this time Brothman was convicted.

And here some highly important questions arise: How is it, if Bentley told the entire truth to the FBI in 1945 and then repeated it to the Grand Jury in 1947, and if the FBI made its search of Gold's

house in 1947, that they did not find the small white card in Gold's distinctive red folder, marked "A.B.'s stuff," at that time? And how is it, if the FBI searched Gold's house in 1947, that they did not find the "museum map" of Santa Fe lying behind the bookcase ever since Gold treated it so negligently in June, 1945?

Bearing in mind the first question, let us turn to Roy Cohn's sworn testimony at the Army-McCarthy hearings:

"As a result of working with Miss Bentley and Mr. Gold, then resulted the prosecution . . . of Abraham Brothman. . . ."

And here in Mr. Cohn's signed *Journal-American* article previously mentioned is his version of the miracle of the small white card.

"I was certain that one part of Elizabeth Bentley's story was fantastic. . . . She told me she had turned Brothman over to a new Communist courier whose name she did not know. All she knew was that . . . the man would say, 'I bring regards from Helen.'"

" . . . Shortly after Fuchs talked and Gold was arrested, in the attic of Gold's house in Philadelphia, a little frayed card was found with these very words scribbled on it a decade before in Gold's writing, fully corroborating every detail of Bentley's story. It was an amazing confirmation of a fact." (Emphasis added.)

Amazing and fantastic indeed! Mr. Cohn cites this incident as though Bentley had never revealed the full details of her "espionage work" to the FBI almost five years before Gold's arrest!*

If this "little frayed card" was in Gold's conspicuous red folder for a full decade, then how is it that the FBI failed to find it back in 1947? And how did the card suddenly ascend from "Fibber McGee's closet" in the basement all the way up to Mr. Cohn's "attic"? (We recall Gold's sworn version of its cellar location at the Brothman trial in Chapters 3 and 9.) But wherever the card was "found," we see that it was Cohn's "working with Miss Bentley and Mr. Gold" that resulted in its belated discovery in 1950.

Are we being unduly suspicious of Roy Cohn, described by *Time* magazine of March 22, 1954, as "probably not free from the pres-

*Bentley never explains how she came to meet this unidentified captain, nor how it was that the usually omniscient Russian secret police knew nothing of her extracurricular activities with this certain captain.

†See article by Richard C. Donnelly, *Yale Law Journal*, November, 1951 (Vol. 60, p. 1126).

‡Pilut, *op. cit.*, p. 59. Note: Somehow, in these two years no Soviet agent or anyone else was ever trapped!

*At the Rosenberg trial Bentley states that these conferences with the FBI numbered "more than ten" in 1945. In a series of articles written for the *St. Louis Post-Dispatch*, she wrote about her first meetings with the FBI in August, 1945: "I knew I must tell my whole story to the FBI." In November, 1945, she repeated her whole story to the FBI:

"I recited in detail the story of my years in the Communist movement and in the spy underground. . . ." (See article by Norman Redlich, "The Bentley Story," *The Nation*, Jan. 30, 1954.)

ures of personal ambition"? Then let us glance briefly at the next case he boasts about at the Army-McCarthy hearings:

"After that, sir, I went into the prosecution of William W. Remington. . . . He had been one of Miss Bentley's espionage contacts. . . ."

As we know, Remington was convicted *solely* on the basis of Bentley's accusations. But, as we also know, the foreman of the Grand Jury which *indicted* Remington was later revealed to have been Bentley's "financial and literary collaborator"! And so we ask of Mr. Cohn and Mr. Saypol: How did John Brunini, who was known to be helping Bentley to write her book for "a percentage of the sale," come to be selected for this particular Grand Jury, which not only indicted Remington but also Ethel and Julius Rosenberg? And how did Mr. Brunini come to be appointed foreman, or the pivotal man, of this fateful Grand Jury? For some enlightenment on these two disturbing questions, here is this expert opinion:

" . . . The original purpose of the grand jury was to provide a method of initiating prosecutions by means of a group of the best men of the community . . . a group of superior citizens.

"From this original high purpose the grand jury has now come to be a group of men, seldom the best men in the community and frequently far below the average, who function under the direction of the prosecutor. It is a mere rubber stamp for the prosecutor."†

To sum up this preliminary section dealing with Bentley's background, the reader will recall from the anatomy of frame-up that it is the political atmosphere which generates, and at the same time cloaks, the frame-up. For only in such an atmosphere could a Roy Cohn be promoted to Special Assistant to the Attorney General of the United States in order to prosecute Owen Lattimore on political charges so violative of the Constitution that Federal Judge Youngdahl threw out every major count in the indictment.‡ And only in

such an atmosphere could there be an unquestioning acceptance of a Bentley-Brunini partnership, with the chief witness and Grand Jury foreman working as collaborators in profiting from Bentley's "confessions."

ii

"The tremendous significance of the Rosenberg Case lay in the fact that the defendants were Communists. . . ."

" . . . On appeal, the Rosenbergs [charged] that the trial court permitted the Government to erect 'a monstrous superstructure of inflammatory and prejudicial evidence,' and Sobell [charged] that he was tried as a political dissenter rather than as a spy."

— Columbia Law Review, p. 223

With these introductory remarks, the *Columbia Law Review* proceeds to examine what was without doubt the entire purpose of the prosecution, to wit: the equation of communism with treason. And although this purpose pervaded and dominated the trial, nowhere is it as clear as in the testimony of Elizabeth Bentley. Here it is as condensed by the *Columbia Law Review*:

" . . . In order to connect Party membership and activities with motive for espionage, the Government put Elizabeth Bentley on the stand. She testified that the American Communist Party was part of the Communist International, serving only the interests of Moscow, whether through 'propaganda or espionage or sabotage,' and carrying out the directives of Moscow; that the members were instructed to do everything possible to aid Russia; and that those who disobeyed instructions were expelled from the Party."

James P. McGranery as Attorney General. (McGranery was the judge who sentenced Harry Gold; as Attorney General, he suppressed the Pope's appeal for clemency for the Rosenbergs.)

Only when Sokolsky obtained from McGranery an agreement that he would permit Cohn to prosecute Owen Lattimore did Sokolsky consent to arrange Senate approval for the appointment by President Truman. In his book Matusow describes witnessing these sordid transactions as Sokolsky, bosom friend and champion of McCarthy, dictated these conditions over the telephone. (Matusow, *op. cit.*)

*Note: It was not a fact that the Rosenbergs were Communists. Evidence of this was never even offered at the trial.

*See *New York Times*, Jan. 3, 1951.

†Raymond Moley, *Politics and Criminal Prosecution*, Minton, Balch & Co., New York, 1929, p. 127.

‡*New York Times*, May 3, 1953.

Note: In Harvey Matusow's sensational exposé of his perjuries sponsored by the Department of Justice, he provides an inside story of how Roy Cohn came to be promoted to Special Assistant to the Attorney General. He tells how he (Matusow) was present at the apartment of the Hearst columnist George Sokolsky when the latter made a "deal" for the appointment of

That such testimony was extremely damaging to the defendants is conceded readily by the *Columbia Law Review*, especially in view of the astonishing fact that Bentley did not even profess to know any of them! And yet, "guilt by association" is completely contrary to our basic tenet because guilt can be only personal and individual. Here is the United States Supreme Court on this fundamental precept as expressed in a concurring opinion by Justice Murphy in 1945:

"The doctrine of personal guilt is one of the most fundamental principles of our jurisprudence. It partakes of the very essence of the concept of freedom and due process of law. It prevents the persecution of the innocent for the beliefs and actions of others."*

How, then, did Judge Kaufman permit Bentley's prejudicial testimony which was so clearly calculated to arouse the jury's passion and wrath — indeed, calculated to obliterate all presumption of innocence? Simply by means of this legal casuistry:

The Court: . . . This is as good a time as any to tell the Jury . . . as to the purpose for which this testimony was taken, that it is not to establish the guilt here of the crime charged because any of them might have been members of the Communist Party, but it is to show a link, as the Government contends, exists between aiding Russia . . . and being members of the Communist Party. . . .

And so, on the basis of this theory, for more than two-thirds of her direct testimony Elizabeth Bentley was permitted to fashion the "link" between any American Communist Party member and Moscow, even though not a word of her testimony involved the individual guilt (or party membership) of the Rosenbergs or Sobell!

It was only as she began the final third of her direct testimony that Bentley actually mentioned the name of "Julius." Not Julius Rosenberg, but merely a "Julius." And not even a person she knew as "Julius," but only a *voice* at the far end of a telephone calling himself by that name. And this from a recollection as far back as 1942-1943, or almost nine years previous to her testimony!† Here is the substance of this testimony:

That while Golos was still alive in 1942 one of his contacts would phone her as a "go-between" and say: "This is Julius," and give her

a message to transmit to her always at hand and maintain up and get dressed to go out was the alleged procedure de

[Bentley]: . . . To show will go through in order called at 2 in the mornir blocks in the cold to get *It was considered unsafe* (Emphasis added.)

As already indicated, Bentl and on cross-examination ad her caller's voice as th of by this, Judge Kaufman aske

The Court: Did you e anybody in person, whose is the voice of the man w telephone?

A. No, I have never me could identify as Julius.

Just how many thousands happen to be named "Julius" ever, even if we are to believe sands could have telephoned and on this alone, she was per the record; not about the un her alleged role as a top couri

It is important to point ou sibly have corroborated Bentr veniently quite dead. act of their testimony hinges on d man trial Gold relies for co Golos and one Carter Hoodle witness who could confirm Go Briggs.* At the Rosenberg tri

*Bridges v. Wixon, 326 U.S. 135, 157, 163. See also Kotteakos v. U.S., 328 U.S. 750, 773 (1946).

†In its objections the defense argued vainly that the date of these telephone calls was at least eight months before the time charged in the indictment, namely, June 6, 1944.

*In the case of Alfred Dean Slacuse, N. Y., the Government's c through "a man named Briggs the alleged first conspiratorial Note: It is little wonder that S change for a promise of a ten-y

That since Golos was not residence, she would get message by telephone. Here rect examination:

things that Communists their jobs . . . when I was to go out and go many ne to call Mr. Golos. . . out of my own telephone.

ow who this "Julius" was, e could not even identify erg. Evidently perturbed ly:

erson, did you ever meet ard, and you can now say himself as Julius on the

se voice I heard, whom I

d around New York City not even estimate. How- ay, any one of these thou- d yet, on this single item tify for fifty-nine pages of Julius" but chiefly about mmunist International.

ly witness who could pos- y was Jacob Golos — con- Gold and Bentley, much ent persons. At the Broth- on two dead men, Jacob ges against Slack the only y was a dead man named ire testimony concerning

who was arrested in Syra- t he had met Gold in 1940 in 1939, or one year before

deal" to plead guilty in ex- th parole in three years, as

Fuchs and Greenglass hinges on two absent Russians: Semenov and Yakovlev. With Bentley everything hinges on the dead Golos and the absent Gromov ("Al").

As an illustration of the contribution made by the press to the Bentley myth, here is an excerpt from a feature article in *Look* magazine of June 19, 1951, by Fletcher Knabel of its Washington Bureau:

"In New York, Elizabeth Bentley quietly slipped into FBI headquarters [in 1945] and began telling the story that would rock the nation three years later. She led agents to a rendezvous with Anatol Gromov, and they saw the Russian spy director hand her \$2,000 in bills." (Emphasis added.)

Here, according to Mr. Knabel, we have the most remarkable situation as the FBI looks on placidly, while the First Secretary of the Soviet Embassy hands Elizabeth Bentley \$2,000 in cash, without making an arrest!

Even Bentley herself never showed such careless contempt for the public's intelligence. For, in her autobiography, she tells a totally different story, i.e., that the FBI was *not* present at this rendezvous with Gromov, and that the *only* time the FBI saw this sum of \$2,000 was when Bentley came to them "later" and turned the money over to them.*

What Mr. Knabel clearly betrays here is the uneasy question that must have been on his mind: Why did not Bentley *really* lead the FBI to this pay-off rendezvous with Gromov if it *actually* took place? Having decided that Bentley must be authentic, Mr. Knabel evidently yielded to the wishful thinking indulged in by so many reporters who have allowed themselves to be duped by the Bentley myth.

Concerning the unique use by Julius Rosenberg of his own true given name in these alleged telephone calls, again we must ask: Why would he constantly use his own name when everyone else was using an undercover name? Golos used "Timmy" and "John," Bentley used "Helen," "Joan" and "Mary," and even admits: "I had a sort

the result of his attorney's (Ray Jenkins) persuasions. For had Slack risked trial Gold would have testified under the "conspiracy ruling" in fine detail about his conspiratorial conversations with Briggs. The latter, of course, being dead eleven years (1939-1950), could not possibly be subpoenaed to refute Gold.

*Elizabeth Bentley, *Out of Bondage*, Devon-Adair, New York, 1951. See also Pilat, *op. cit.*, p. 59.

Note: One wonders at the curious coincidence in the choice of Gold's "superior" Anatoli Yakovlev and Bentley's "contact" Anatol Gromov. Perhaps the choice of both these Soviet officials (Anatol and Anatoli) was inspired by the famous Schnitzler novelette, "The Affairs of Anatol"?

of collection of names." And, as we recall, Gold was "Raymond," "Martin" and "Dave from Pittsburgh," whereas Semenov was "Sam," Gromov was "Al" and Yakovlev was never anything but "John."

Only Julius Rosenberg, we must believe, the alleged spy-master of scores of recruits and contacts all over the country — only Rosenberg was so reckless as to use his own true name of "Julius"!

Returning to the "incredible things" Communists are supposed to do, let us examine Bentley's claim that she had to get up and go out into the cold at 2 o'clock in the morning to convey Julius' message to Golos. Here is how she embroiders this point:

[Bentley]: [These calls] always came after midnight, in the wee, small hours. I remember it because I got waked out of bed.

Did Julius telephone from his apartment or did he also have to go out at 2 A.M. to find a pay telephone in order to be safe? (Note: If so, why did Greenglass tell Gold to reach him in New York by telephoning his brother-in-law?) And, if it was considered "unsafe" for Bentley to call Golos from her telephone, why was it safe for Golos to receive the message on his telephone or, for that matter, for Bentley to receive Julius' call at home?

Finally, how urgent were these calls? Why should Julius have made these calls "always after midnight"? Why couldn't he simply call her in the morning before going to work, or at lunchtime, or in the late afternoon, or sometime before midnight?

Or would such a reasonable time have sounded too prosaic to the jury? After all, if the mysterious "Julius" had to be invented, wouldn't it sound ever so much more intriguing to say that the calls always came in the "wee, small hours"?

iii

"... The threat of a perjury prosecution has lost much of its force in the case of political informers. Even when a political informer's testimony has been sharply contradicted . . . perjury prosecutions have not been initiated. . . . [This] has also given the informer a giddy sense of power."*

In further providing the prosecution with the need of the moment, namely, to connect "Julius" with the defendant on trial, Bentley also testified to the following incident:

*See article "The Informer," *op. cit.*

That Golos had once told her that "he had to stop by to pick up some material from a contact, an engineer," who was this same "Julius." That one night in the early or late fall of 1942 she "accompanied him to the vicinity of Knickerbocker Village." That Golos parked his car, left her in it, and went across the street to wait on the corner. That after Golos had "paced up and down a bit," the contact finally arrived and the two men went down the street to a candy store. That later Golos returned "with an envelope of material."

If Judge Kaufman was perturbed about the vagueness of the telephone incident, the record at this point discloses his outright anxiety. At risk was not only Bentley's full political testimony, but the outcome of the trial itself. Because, by Saypol's insistence in introducing the Golos-Bentley drive, there arose the possibility of reversal by a higher court on the grounds that it took place long before the indictment. This danger was also present with the telephone incident, but there, at least, Kaufman had the thin excuse that Bentley might confirm Elitcher's description of the Catherine Slip episode. Here is how he explained this point:

The Court: . . . Sobell had said to him [Elitcher] . . . that Rosenberg said that he had received a call from Elizabeth Bentley.

Mr. Saypol: That's right.

The Court: I say you have a perfect right to ask the witness about any conversations she may have had close to the time of the indictment, which would throw us some light on this statement, but this alleged description of 1942 is a different point.

In the first place Kaufman, whether consciously or not, is distorting the record. There was nothing said by Elitcher that Rosenberg had "received a call" from Bentley; here is his actual testimony:

[Elitcher]: He [Sobell] then said Rosenberg had told him that he *once* talked to Elizabeth Bentley on the phone. . . .^{*} (Emphasis added.)

Second, these telephone conversations, which allegedly continued "almost" up to November, 1943, were *not* close to the time of the indictment, since the last one would still be eight months previous to June 6, 1944. By what standards could Judge Kaufman permit the

^{*}Although Elitcher's testimony states that Julius talked only *once* with Bentley, in the latter's testimony this is built up as follows:

[Bentley]: . . . It might have been five or six [times]; it may have been more.

Compare Record, p. 261 (Elitcher), with p. 1003 (Bentley).

"THE UNIFORM"

telephone testimony in evidence in indictment and rule out the Golos-Bentley drive? One incident was eight months away. At best, one might say months closer to the time of the last one get? Actually, both alleged incidents to the time of Elitcher's alleged drive. Hence, if Kaufman had but the discretion, he would have ruled out both this, he would have had to rule out and explain why he defined eight months as "a different point."

In the meantime, despite repeated protest, Saypol was allowed a free hand in presenting the Bentley drive before the jury. Only one object did Kaufman attempt to make was not admissible. But the later use of Saypol's stupidity might cause an upward warning him that Bentley had been at Knickerbocker Village:

The Court: Yes, but now *was* where she didn't identify a man, have that in.

Mr. Saypol: She can describe

The Court: Does she describe *fully* Rosenberg?

Mr. Saypol: She describes *him* that that was the man.

The Court: I know that.

Mr. Saypol: She describes *him*

At this point young Cohn came in, dependent from another case which *helped* the defense. Finally there *was* the man aimed at the prosecution's *main* error:

[Kaufman]: Let's cut this *drive* problem if you just get to the telephone talk with a *Julius* . . .

It is a pity that the court *tried* include a description of the *man*

lose" to the time of the iney drive testimony as too reaway and the other eighteen hat the first incident was ten ment, but how technical can were some *five years* previous e to Catherine Slip in 1948! st desire to be fair, even techincidents. But then, if he did of Bentley's testimony, which as close and eighteen months

objections by the defense, Sayting the details of the Goloswhen the defense continued to ct Saypol that this testimony uldn't stop. Worried that Saythe entire trial, Kaufman now able to describe Golos' contact

re getting to a specific meeting and I would much rather not

n. im in any way so that it is actu-

n such a way but she cannot say

y height.

Saypol's assistance with a preceht about a legalistic flurry with utburst of irritation from Kaufference to the danger of judicial

. . . I think you will avoid any ersionation part, if there was any ithout this specific meeting here.

t, unlike a printed play, fails to in which the characters read the

lines, else one might better appreciate the bitter comedy of this scene: The bull-headed Saypol, so intent on bolstering up Bentley's telephone incident with the drive to Knickerbocker Village that he cannot discern Kaufman's fear. The "outrageously brash" Roy Cohn piping up with an ill-suited precedent torn out of context. And the flushed Kaufman, trying to keep from showing his anxiety and displeasure at the introduction of evidence not only almost certain to invite reversal, but the most worthless evidence possible!

For here was Saypol attempting to establish an identification by a man's *height* and nothing else — and *at night* — and by a woman sitting in a car *at a considerable distance away* — and all of it happening in 1942, *nine years* previous to her testimony — and almost one and one-half years before the first date of the indictment!

iv

Such, then, was the sum total of Bentley's testimony: (1) The Golos-Bentley drive which Kaufman was constrained to rule out, (2) the telephone conversations with the mysterious "Julius" whose voice Bentley was unable to identify, and (3) her political testimony which had nothing to do with the individual guilt of the defendants but achieved the result the prosecution desired — the acceptance by the jury of the theory of guilt by association.

Before concluding with Bentley it is important to take heed of some recent disclosures which tend to reveal her as a complete fraud, not only in the Rosenberg case, but in all others.*

On April 19, 1955, the sensational announcement appeared in the *New York Post* that the "whole of Bentley's story concerning war-time espionage" was being contested legally by William Henry Taylor, former official of the International Monetary Fund. Through his attorney, Byron Scott, former Congressman from California, demand was made by Taylor "for a public hearing before the Senate Internal Security subcommittee . . . to confront Bentley and deny her charges under oath." Charging that he had found no less than thirty-seven "discrepancies" in Bentley's testimony before Congressional hearings, Mr. Scott declared:

"We are challenging the inconsistencies, the inaccuracies and the impossibilities of her story."

*See Part I of "The Bentley Story," *op. cit.* See also *New York Times* report of Feb. 23, 1955, concerning disclosures made by Harvey Matusow to the Senate Internal Security Subcommittee in which Bentley is quoted as having confided to Matusow:

" . . . I have to continue doing this kind of work. I have to keep finding information to testify about."

Especially significant among these discrepancies is the one regarding Anatol ("Al") Gromov, Bentley's alleged Russian contact, previously mentioned. In the follow-up news account, "Elizabeth Bentley Silent as Ex-U.S. Aide Blasts Her Charges as Fiction," the *New York Post* of April 20 quotes Mr. Scott's disclosures of how Bentley "altered" the details of her original meeting with Gromov by embroidering the latter's alleged recognition signal. In 1948, she had described Gromov's initial statement as:

"Aren't you the Mary I knew in such-and-such a place?"

By 1951, however, she had transformed Gromov's statement into

"I'm sorry I'm late. I bring greetings from Moscow."

We have seen Bentley's claim that she took up with Golos in 1938. It is also her claim that she was not only an executive at World Tourist but also Golos' top courier. That among the thirty-odd espionage contacts which she made between 1938 and 1943 were Remington and Brothman. That she traveled from New York to Washington every two weeks with documents photographed on 35-millimeter film, with an average of forty rolls of film on each trip. And finally, that Golos, to whom she delivered the film, was operating World Tourist only as a front behind which he was arranging false passports for American Communists.

Now let us turn to some official records: In March, 1940, Jacob Golos was indicted by a Federal Grand Jury for failing to register as a foreign agent. In addition, he was flatly accused by the Attorney General of *engaging in espionage for the Soviet Union*. But whereas Golos denied the latter charge and no proof could be brought to substantiate it, he did plead guilty to the violation of the foreign agent registration law. Technically, he was guilty of the violation, even though World Tourist was frankly a travel agency arranging advertised tourist trips to the Soviet Union. He was fined \$500, sentenced to four months' imprisonment, but was immediately placed on probation.

Thus, we are asked to believe that for approximately three years *after* Golos had been accused of espionage Bentley, his mistress, his part-time executive and his principal courier, was carrying on all these extensive spy operations without the slightest knowledge or interest of the FBI!

How is it, if Bentley's claims have any element of truth, that the FBI had no suspicions about her espionage dealings with Golos,

*In the request for a public hearing concerning Bentley's authenticity, Mr. Scott further raises this same question. (*New York Post*, April 19, 1955.)

"Oates' supporters demanded that Lord Stafford . . . be tried. . . . His execution was the last of the 37 deaths for which Oates was directly responsible. The number of persons he had made lose their reputation and livelihood is beyond all reckoning. . . . Found guilty [Oates] was sentenced to life imprisonment, varied by annual appearances in the pillory."^{*}

Unhesitating in his denunciation of the political climate is the Most Reverend Bernard Sheil, Auxiliary Roman Catholic Bishop of Chicago, whom we have had occasion to quote earlier. Here are some appropriate remarks from a speech he made to the American Bar Association as reported in the *New York Times* of August 19, 1954:

"And what about the evil effects on our moral climate . . . of political opportunists who cynically used the expedient of the big lie for selfish purposes, who do not hesitate to adopt the techniques of . . . unfounded charges, the tactics of guilt by association, wire-tapped evidence . . . ?

"America cannot be chartered by emotional charlatans . . . whose unctuous voices betray a first urge to hear themselves no matter what they convey."

Here are some observations made three months before the Rosenbergs' execution by the Catholic editor Robert Ludlow in *The Catholic Worker* of March, 1953:

"I bring this matter up again because of the Rosenbergs. And because some Catholics and some liberals have made it an article of faith to believe in the guilt of the Rosenbergs and to clamor for their execution. There seems to be little concern for the truth in all this. . . .

"It is generally conceded that, should the testimony of the Greenglasses be thrown out, the case against the Rosenbergs would not hold out. And yet there is a curious readiness to accept without question the testimony of the Greenglasses. . . . The fact that they turned State's evidence seems somehow to have cleansed them of all unreliability. . . .

"It reminds one of the passions and prejudices aroused during the Dreyfus Affair."

^{*}See article by Louise Fargo Brown, Professor Emeritus of History at Vassar College, in *The Nation*, April 3, 1954. See also *Encyclopaedia Britannica*, 1943 edition, Vol. 16, pp. 662-663.

Brothman, Semenov and Gold from September of 1941 — "small white card" rendezvous was arranged — until August when, Mr. Hoover declares, her story came to him as a surprise? For that matter, if we believe her testimony (at why did the FBI do nothing about this extensive spy ring? For example, why didn't they search Gold's house more carefully in 1947 when they could have found the card and the "museum" as well as Gold's basement closet stacked high with copies of man's blueprints?

But most important of all is this perplexing question: If, as August of 1945, the FBI *knew*, from Bentley's detail everything about those phone calls from "Julius" and if, also that "Julius" was an engineer living in Knickerbocker, then why didn't they undertake close surveillance of Julius, the only engineer of that name at that address?

Why didn't they follow him to his numerous rendezvous with Yevlev or other Russian superiors? Why didn't they see him and receiving visits from Greenglass, a uniformed soldier on furlough from the Los Alamos Atomic Project in September, the period when the latter was supposed to have turned Nagasaki bomb? Why didn't they catch Julius or trap him on Radio stealing the proximity fuse? Or while he was in Schenectady and Cleveland to meet with his spy contacts? he was entertaining and paying student recruits to continue college education? Or later, in the years 1947-1949, while Julius was stealing the plans for the atomic powered airplane and the "form"? Or in the year 1950, while he was feverishly bringing money from Yakovlev to Greenglass, and bringing back the photos, and telephoning Dr. Bernhardt for an illegal visa certificate?

In short, if we are to believe Bentley and J. Edgar Hoover's endorsement of her claims, we must ask why did the FBI do nothing about this espionage contact of Golos — this engineer "Julius" — for almost five years, from August, 1945, to July 1950? Was the FBI so incapable that it could not look through the letter boxes at 10 Monroe Street for someone named "Julius"? Did it not have an enormous cross-filing system under its "Central File Checks"? Could it not ascertain that in that same Bentley's exposures, its own agents had delivered a report (in July, 1945) to Army Intelligence stating that Julius Rosenberg, an engineer employed at the Signal Corps and living at 10 Monroe Street, was a security risk as a Communist Party member?

One can go on almost indefinitely with these queries, but

be laboring the point. For the blunt truth is that Elizabeth Bentley, as a "Red Spy Queen," is primarily a creation of J. Edgar Hoover. How valuable she has been to him and to the McCarthys, McCarrans, Jenners, Veldes and Nixons can be estimated from the role she played in the Hoover-Brownell crusade to prove McCarthy's charges of "Twenty Years of Treason" against the Roosevelt-Truman administration. For, in the attack against former President Truman, the mainstay of the Harry Dexter White affair was Elizabeth Bentley and her uncorroborated charges of 1945.

In this Age of the Informer, we would do well to contemplate seriously the following excerpts from an article aptly titled "A 17th Century Moral," which deals with the "Popish Plot" that was concocted in the then anti-Catholic England by the fantastic Titus Oates:

"Informers crop up when populations are in the grip of fear, and they are all fundamentally alike. Fear could be worked up practically over-night when Charles II ruled England, for the majority of the people thought the Roman Catholics believed arson and murder were justified. . . .

"People began to wonder whether their neighbors were thinking 'un-English' thoughts or engaging in 'un-English' activities.

"Titus Oates drew up an elaborate account of a plot . . . supposedly devised by the Pope. . . . The plotters were to proceed to the murder of Charles, the blowing up of Parliament House [etc.]. . . .

"This fantastic story was brought to the attention of the government by forged letters and other trickery and Oates was . . . put under oath, and bidden to Tell All.

"But no committee was appointed to inquire into the record of Titus Oates. Oates had gained that curious immunity that comes to turncoats in seasons of widespread fear.

"Judges talked truculently to defendants and witnesses and admitted as evidence hearsay, unsupported rumor, and imputations of guilt by association.

"Lord Chief Justice Scroggs indicated to juries that Oates had his complete confidence and that he believed the testimony of Papists to be unreliable.

"The lot of Catholics in the days of Titus' glory was not a happy one. . . . The prisons were filled with teachers, attorneys and civil employees who refused to take the oath of allegiance. . . .

"Evidence of flight does not create any presumption of guilt. . . .

"If you do not believe the testimony of Max Elitcher as it pertains to Sobell, then you must acquit the defendant Sobell."

— "Charge of the Court," Record, pp. 1559-1560

PERHAPS by this time the reader will recall only dimly the testimony of the first witness, Max Elitcher, as it related to Sobell. Elitcher's examination had concluded the morning of March 9. Now, on the morning of March 16, Morton Sobell's name was again heard by the jury. For a full court week, however, there was Sobell seated alongside the accused Rosenbergs, burdened with the full weight of guilt heaped upon them by the Greenglasses and Gold. While this strategy of the prosecution was quite obvious, nevertheless Sobell and his attorneys could scarcely believe that Elitcher's testimony would remain unsupported. Now, at long last, the name was called of one William Danziger (Government Witness 11).† In substance, Danziger's testimony was as follows:

That he had been a college classmate of Sobell and that they had continued their friendship through the years. That he was employed as a designer of electrical equipment and lived at 124 Featherbed Lane in the Bronx. That he visited the Sobells with his wife in May, 1950. That about a month later, on June 20, he telephoned Sobell and that they had the following conversation:

[Danziger]: Well, I called him at his home, to indicate that I needed an electric drill to do a repair job around my home, and he mentioned then that he was getting ready to leave for a vaca-

*From Emma Lazarus' famous poem engraved on the Statue of Liberty:
". . . Send these, the homeless, tempest-tost to me. I lift my lamp beside the golden door!"

†In this chapter we will continue with those minor witnesses whose testimony relates specifically to Sobell. For Danziger's full testimony, see Record, pp. 857-867.

tion in Mexico, and that he was leaving rather shortly and if I wanted the drill, for me to come out and get it.

On that same day Danziger went out to the Sobells' house to borrow the drill and noticed them packing for their vacation.

Q. [Cohn]: Did you have any conversation with Sobell?

A. Very brief. . . . Oh, merely mentioned the fact that he was leaving and —

Q. Did he tell you what means of transportation he was going to use?

A. Yes. He said he was flying.

Q. Did he tell you where he was going?

A. Yes. He said he was going to Mexico — Mexico City.

The remainder of Danziger's direct testimony deals with the two letters he received and the names "Morty Sowell" and "Morty Levitov," written on the envelopes. Since the defense detected no implication of Sobell's guilt, it waived cross-examination.*

Before we examine Danziger's testimony for the heavy blow it deals the Government's theory of flight, let us recall the original press release of J. Edgar Hoover at the time of Sobell's arrest, to wit:

"Sobell fled the United States in June to avoid arrest *the day after the arrest of David Greenglass*. . . . The FBI said that Sobell was so alarmed by the arrest of Greenglass that he took a plane for Mexico City." (Emphasis added.)

The distortion of the time element here should not be overlooked. Sobell did not leave on the day after Greenglass' arrest, but almost a week later. In any event, this theory of Sobell's flight had become the nucleus of the prosecution's case against him. Here is Saypol elaborating upon this FBI press release in his summation in order to make it fit Greenglass' "flight instructions" from Rosenberg:

[Saypol]: . . . You have heard the details, the instructions of Greenglass to get to Mexico . . . the statues, the three-day waits, the signals and so on. Just after Greenglass' arrest in June of 1950, Sobell fled. . . . The FBI caught up with him and brought him back, and you have him here.†

*As indicated by the Charge of the Court, it does *not* constitute guilt that Sobell had taken safeguards as a political refugee. (In further support of this point, see *Columbia Law Review*, footnote 89 on p. 237.)

†Record, p. 1534.

Thus, the picture was painted of Solitive from the moment Greenglass' arrest. We have seen that Sobell did *nothing* that "Operation Finger." We have seen a tourist cards in his own name; (2) the Airlines tickets in his own name; (3) the equipment at the U. S. Customs in Dallas that he had resided in Mexico for a long name.

In short, as we review the facts concerning we find the very opposite of the criminal have described. But, most important prosecution's own witness Danziger's dictation:

On the one hand, we are told that alarm because of Greenglass' arrest, but fearful spy, knowing full well that his Danziger *on the telephone* not only ex also that he is leaving shortly!

For two years, ever since 1948, if the Catherine Slip episode holds any truth to the danger of further FBI surveillance a few days of Greenglass' arrest, we are recklessly reveal to a possible FBI win flight on the eve of his departure!

The next witness to follow Danziger ously for the purpose of prejudicing the war service. This was Government Cobb, a Director of Selective Service subpoenaed to bring his records relating World War II.* As we know, Sob duty by the War Manpower Commission the war effort at General Electric. When called Colonel Cobb only to confirm signature, even Kaufman reacted unf torney stated:

[Mr. Kuntz]: . . . We will be ver out his name now. . . . I do not know

*For Cobb's full testimony, see Record, pp

ell behaving as a hunted fugi-
rest was announced. But we
t corresponded to Greenglass'
also: (1) that he secured his
at he purchased his American
that he checked his camera
ilias in his own name; and (4)
most two months in his own

orning Sobell's trip to Mexico,
al conduct Saypol and Hoover
within the testimony of the
ve find this complete contra-

Sobell is fleeing in desperate
t on the other hand this same
s wire might be tapped, tells
actly where he is escaping but

litcher's testimony about the
i, Sobell must have been alert
ce. And yet on June 20, within
re asked to believe, he would
e-tapper his precise plans for

r was put on the stand obvi-
e jury against Sobell's lack of
itness 12: Colonel Chandler
New York City, who had been
ing to Sobell's draft status dur-
ell had been kept from active
ion as a specialist essential to
n it appeared that Saypol had
an authentic copy of Sobell's
avorably. Indeed, Sobell's at-

y happy to have Sobell write
w the purpose of this. . .

The Court: Well, I do not know the purpose of it either. Right now all he [Saypol] is asking for is a concession that that is his [Sobell's] signature.

Mr. Kuntz: No question as to his signature.

So much for Government Witness 12. There now followed one American and three Mexican witnesses whom we can take as a group, since their testimony has already been covered in Chapter 7 dealing with Sobell's trip.* This group consisted of:

13: A Mexican woman named Minerva Bravo Espinosa, an employee of an optical store in Vera Cruz, who testified that Sobell had ordered a pair of glasses and had signed the order as "M. Sand."

14: A Mexican hotel manager named Jose Broccado Vendrell, employed by the Grand Hotel Diligencias in Vera Cruz, who testified that Sobell had registered there as "Morris Sand."

15: Another Mexican woman named Dora Bautista, a clerk employed by the Tampico Hotel in that city, who testified that Sobell had registered there as "Marvin Salt."

16: An American named Glenn Dennis, a traffic superintendent employed by the Mexican Airlines, who testified to Sobell's purchase of one ticket from Vera Cruz to Tampico under the name of "N. Sand," and another from Tampico to Mexico City under the name of "Morton Salt."

In Chapter 7 we have already analyzed Sobell's motives for these pseudonyms during that week of panic when he felt the necessity of seeking political asylum. Therefore there is no need for additional comment except to add that none of the testimony of these four witnesses had anything to do with the alleged conspiracy to commit espionage. And yet one can imagine the tremendous effect it must have had upon the jury, hearing these four witnesses testify to the use of one alias after another.

Regarding Government Witness 17, Manuel de los Rios,† the "friendly" neighbor who advised the naïve Sobell about Vera Cruz, we have already presented his testimony narratively in Chapter 7, and shown it to be, at best, highly suspicious. At worst, it was the work of an agent provocateur. Apropos of this, here is an observation from the *Yale Law Journal*:

*For the full testimony of the four witnesses from Mexico (Espinosa, Vendrell, Bautista and Dennis), see Record, pp. 927-938.

†For Rios' full testimony, see Record, pp. 919-927.

"Sedition legislation inevitably breeds spies. . . . If political agitation is made criminal, spies are indispensable. . . . The spy frequently becomes an agent provocateur *who instigates the activities he reports.*"* (Emphasis added.)

Regarding the final Government witness (18), James S. Huggins, the Immigration Inspector at Laredo, we have covered his testimony also in Chapter 7: How he waited with the FBI agents for Sobell to be delivered by his abductors; how the "manifest" card was typed out in advance; how Huggins wrote in by hand such additional insertions as "accompanied by wife, Helen L. Sobell"; and how added on the reverse side of the card the false notation: "Deported from Mexico."†

Despite Huggins' admission that he had absolutely no information from any Mexican authorities or *anyone else* to warrant the notation of these three incriminating words, Kaufman permitted this highly prejudicial "manifest" to be admitted as Government Exhibit 25-A.‡

Perhaps an indication of the importance the prosecution placed on Huggins' "evidence" of the three crucial words "Deported from Mexico" lies in the fact that it is precisely at this dramatic point that the record reads:

Mr. Saypol: The Government rests, if the Court please.

ii

The following excerpts are from the *Columbia Law Review* and should be noted carefully in view of the disclosures which follow:

"After the trial was concluded, Sobell . . . claimed that his return from Mexico to the United States had not been voluntary — on the contrary, that he had been attacked, beaten unconscious and carried into the United States by several unknown assailants.

" . . . Judgment against him was therefore void [Sobell claimed] because having been 'kidnapped' by Government agents, he was not validly within the jurisdiction of the district court.

*Article by Richard C. Donnelly, *Yale Law Journal*, November, 1951 (Vol. 60, p. 1073).

†For Huggins' full testimony, see Record, pp. 1024-1037.

‡It is quite clear from Huggins' protesting remonstrations on cross-examination that he was instructed to insert the phrase "Deported from Mexico" either by the FBI at the time of Sobell's arrest or immediately before the trial by one of the prosecution's staff. (See Record, pp. 1027-1028, 1031, 1036.)

"... Since the Supreme Court has set aside a conviction resting upon evidence obtained while federal officers were violating federal enactments, Sobell may have prevailed with the argument that a judgment cannot stand when jurisdiction is obtained through a federal officer's violation of the anti-kidnapping law."*

Which brings us to the key question: Was Sobell kidnapped or did the Mexican Government actually deport him as claimed by the prosecution?

Here are the results of an investigation recently concluded by this writer, which he is herewith presenting for the attention of whom-ever it may concern or interest, whether the press, the public, the Department of Justice or the Senate Judiciary Committee.

In the Appendices the reader will find photostatic copies of telegrams and correspondence from the official files of the Departments of State and Migration of the United States of Mexico, relating to the so-called "deportation ... of the North American, Morton Sobell." The accompanying translations of these documents (herein revealed for the first time) disclose the following:

1. That the Mexican authorities in Nuevo Laredo, the border town just opposite Laredo, Texas, knew *nothing* whatsoever about the illegal delivery of Sobell to the FBI. And that the FBI-employed members of the Mexican Secret Service Police who delivered Sobell did so by "evading the vigilance of the [Mexican] Migration Service." (Note: See telegram in Appendix 18, dated Aug. 19, 1950, sent to Department of State in Mexico City from Nuevo Laredo.)

2. That upon receipt of this telegram the Assistant Chief of the Department of Migration assured the Nuevo Laredo authorities that this illegal procedure would be immediately taken up with the Chief of the Migration Service, and that "in the future the requirements of migration will not again be omitted." (Note: See letter in Appendix 19, dated Sept. 6, 1950, sent to the Office of Population from the Department of Migration.)

3. That the Mexican Government instituted an immediate investigation of the circumstances of Sobell's seizure and was shocked to discover that it had taken place in total defiance of its laws. And, further, that so confused were the Mexican border authorities that the only way information could be obtained was from American officials in Laredo, Texas, and from a newspaper report in the Laredo Times — which, uniquely enough, was in the position to announce

the "deportation" of Sobell, who knew anything about it or had a

And finally, that subsequent in uation wherein the most important of State were entirely de signed to tell their consul, and foreign newspaper about a "depe been carried out officially in M Sept. 13, 1950, sent to the Depa: rectorate of the Consular Servi together with photostat of the l of the official files. See also let 23, 1950, signed by the Chief e sent to the Undersecretary of 20A, 21.)

To sum up then, what was th Sobell? It consisted solely of th jurer, Max Elitcher, in no way the eight witnesses whose testi the testimony of these eight wi corroboration. In other words, lish in all the seven months afu port Elitcher's charge that Sol spy ring. To state it more blur erced Elitcher into framing & tured a "deportation" out of i in the minds of the jury the s with the help of the Mexican!

In concluding our analysis i point out that the *joint* trial d over the continued protests of their argument, if Sobell had pletely separate trial on the gn different conspiracies:

1. That of Rosenberg-Green
2. That of Rosenberg-Elitch

When, however, Judge Kauf ment that it was all one and u

*Columbia Law Review, p. 233, footnote 57. (The Review cites as a prece- dent: McNabb v. U.S., 318 U.S. 332, 1943.)

*Regarding the prosecution's rebo we will come to his perjured testi

"no authorized official in Mexico anything to do with it! investigation revealed the unusual situation officials in the Mexican Department on what a foreign police on what the latter could read in a station" which was supposed to have exico City! (Note: See letter dated ment of State from the General Director of the Department of Migration, credo Times, which has become part of acknowledgment, dated Sept. the Department of Migration and Foreign Relations. Appendices 20,

the prosecution's case against Morton accusations of a self-confessed per- corroborated or supported by any of any we have just reviewed. Actually, sses was designed to substitute for he prosecution was unable to establish Sobell's arrest any evidence to sup- ll was a member of the Rosenberg ly, not only had the prosecution co- ell but it had criminally manufac- brutal kidnapping, thereby creating ctacle of a hunted fugitive captured overnment.

the prosecution's case,* it is vital to he Rosenbergs and Sobell took place the latter's attorneys. According to be tried at all he deserved a com- nds that there allegedly existed two

glass-Yakovlev-Gold.
r-Sobell.

man upheld the prosecution's argu- e same conspiracy, not only was So-

tal witness, the photographer Schneider, ony in the ensuing chapter.

bell's cause gravely injured by the testimony dealing with the Rosenbergs but, in turn, they were equally injured by Sobell's "flight," "capture" and "deportation."*

Overawed by the appearance of the five witnesses flown up at great expense from Mexico, as well as by the United States Immigration Inspector flown up from Texas, the jury was naturally inclined to place additional credence in Greenglass' testimony. And whereas the "sixth set" of Greenglass' passport photos by itself might have appeared highly suspicious to some discerning juror, when it was buttressed by Huggins' "deportation" card all the rest of Greenglass' testimony seemed more credible.

To be sure, the prosecution played a contemptuously careless game, but it must be said that it was played with full appreciation of point and counterpoint — a thrust here against the Rosenbergs, then a thrust there against Sobell. What did it matter that the prosecution's case was for the most part unrelated, intangible, specious, contradictory and downright improbable? No one would dare question it anyway! Who would be so reckless as to challenge the integrity of the Department of Justice of the United States?

... And what would it matter if the Rosenbergs, now about to take the stand, endeavored to deny the mass of accusations piled up against them? In the eyes of the jury they were pariahs already condemned as members of the "international Communist conspiracy"; they were adherents of a political philosophy already condemned by the Supreme Court as a clear and present danger — forsooth, a philosophy which required Communists to lie even under oath. And on the basis of this officially promulgated and widely accepted premise — namely, that Communists will always lie — any juror so rash as to believe them could also be suspected of subversive leanings. Hence, whether the Rosenbergs took the stand or not they were already doomed, for everything that followed the Government's case was but an "empty ritual." So let the farce go on, and let the Rosenbergs have their "day in court," so that no bleeding heart, no egghead, no dogooder, could later complain when the inevitable verdict and predetermined sentences were pronounced. ...

*Judge Kaufman's failure to instruct the jury on the possibility of the existence of two separate conspiracies was deemed by Judge Jerome Frank of the U. S. Court of Appeals a most serious and reversible error, calling for a new trial. (See Chapter 26, section x.)

*"Though all the winds of doctrine were let
play upon the earth, so Truth be in the
— John*

IT was March 21, a Wednesday afternoon. Fifteen days had since the trial had opened. According to the New York Times date Julius Rosenberg made a conspicuous figure at the defense. He was described as "tall, thin and wearing glasses," with a pallor considerably set off by the dark, narrow line of his mouth.

Day after day he had listened to this incredible nightmare there was the evasive Elitcher who had virtually admitted testimony was the product of a "deal" whereby he would plead guilty to prosecution for perjury. Then there had followed David Greenglass still unsentenced, throwing everything but the kitchen sink into his case in his hopes to be rewarded by a minimum sentence. Then Greenglass — so glib, so eager, or, as described by the press, so "and self-possessed" despite her acidulous exchanges with Julius. And then that fantastic creature Harry Gold, with his heady eyes and prodigious memory ... and finally Elizabeth Bentley up there so vain and prurient in all her self-crowned glory, the Spy Queen."

It was really a nightmare, this phantasmagoria of the Julius Bentley's messages from the mysterious "Julius" ... the "48 hours" and of Greenglass' middle finger in a guidebook and his pretensions to pose as an Oklahoma tourist before the statues of Cortez in Mexico City and Linnaeus in Stockholm. Incredible!

And yet Julius knew that the odds had been stacked against him long before the trial. There was the combined power of radio, television and news magazines pouring out the proceedings of the case these many months, and convicting them as they were from the very moment of their arrests. There was the irreparable handicap of being accused by the Government of the United States by its highest officials, the United States Attorney General, the Director of the FBI himself, by Government-sponsored informers:

by everything that overawed the average citizen in the present war-scare atmosphere.* And finally, there were the three guilt-laden expletives which had become synonymous with "spy" and "traitor" — the Hitler formula which had come to bedevil half the world: "Communists — Jews — Russian parentage"!

And with the trial itself, what could they realistically expect from this conforming jury of accountants, auditors, and employees of a giant utility corporation? Or from this "boy judge" who made so little attempt to conceal his hostility that even the press had picked it up the day before. It had happened when Mr. Phillips had objected to the introduction of Sobell's Selective Service records on the ground that some juror might misinterpret them "as detrimental to the defendant." Whereupon, as the *New York Times* put it, Kaufman had replied "tartly":

"I assume the Government would not introduce it unless it was intended to be detrimental to the defendant."

And how Kaufman had hurried their counsel at every turn, almost as though he feared that some juror might have too much time to deliberate and detect some of the more glaring contradictions. Hurry — hurry — hurry! This was the theme-note heard constantly from the bench, but most frequently whenever the defense appeared to be exposing one of these contradictions.† Only a moment before, when the prosecution had concluded its case and the defense prepared to make its motions, even before Mr. Bloch had finished his first sentence, Kaufman had impatiently snapped:

The Court: I want them [the motions] very brief.

Mr. E. H. Bloch [repeating]: I don't know what the Court's idea is — whether you want them outside the presence of the jury.‡

The Court: Yes, and very brief.

*"The informer is a public accuser. When functioning under Government protection or privilege, the informer accuses with immunity. . . . Such a procedure, moreover, lays too heavy a burden upon the aggrieved citizen, who in order to clear his name must oppose the Government who sponsors the informer. . . ." (Extract from a letter dated Feb. 16, 1954, to the Senate Judiciary Committee, signed by seventeen prominent Protestant and Jewish clergymen; see *The Nation*, April 10, 1954, p. 308.)

†For some of the almost countless instances wherein Judge Kaufman hurried the defense see Record, pp. 431-433, 487, 584, 587, 635, 852, 917, 949-952, 1051, 1333.

‡For motion to dismiss indictment and motion for mistrial, see Record, pp. 1441-1447.

Then there had of Kaufman's de . . . Motion fo introduced the i "link" to the cri and that even if with this matter.

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Motion Denu

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followed the motions, each one met with the drone of the judge's voice:

On the grounds that the prosecution had no case to answer; that no such proof had been established; that the Court decided to strike all the testimony dealing with the defendant's inflammatory purpose.

On behalf of Sobell: That since the only testimony in the case came from Elitcher, and since it had not included any evidence of espionage, a separate conspiracy was involved in the case. And that, even if one believed Elitcher's testimony, the crime had been "abortive," and the defendant had actually taken place.

On the venerable Harold Phillips had tried to explain to the jury he had previously declared, "I don't know what Kaufman had retorted almost vindictively:

So you found out, did you not?

On the last motion in behalf of Sobell: To strike out the names of those witnesses who had failed even to mention his name, the Greenglasses, the Abels, Gold, Koski, Lansky, and Dr. Bernhardt — together with all exhibits relating to the box and Operation Finger, on the grounds that they were binding on the defendant Sobell.

On the motion to seem to matter to Kaufman that Sobell had no conversation with any of these witnesses or exhibits. By the Court's conspiracy, everything connected with the Rosenberg case on Sobell. And it had not been at all surprising to point out with an unmistakable tone of complacency:

Understand this law of conspiracy, having tried these cases before the Government as a prosecutor. . . . I think I understand the matter of conspiracy pretty well."

On the motion, there had been the motion that the indictment be

based his admission of Communist Party evidence on this comparison:

"I would admit testimony involving the Republican Party, the Communist Party, the Masons, or the Elks. . . ." (Record, p. 1038.)

[Alexander Bloch]: . . . on the ground that the Government [had] failed to prove the charge contained in the indictment beyond a reasonable doubt.

The Court: Denied. . . . Now all the motions are made. We will take our mid-afternoon recess at this point.

And so, at long last, after 248 days and nights of pacing his cell and waiting for his day in court, now his time had come. The Judge was again seated, the gavel tapped, the spectators quieted down . . . then a sudden stillness and Emanuel Bloch arose:

"If the Court please, my first witness is the defendant, Julius Rosenberg."

ii

*"In the courts which tried [Titus] Oates's victims, their guilt was assured unless they could prove themselves innocent."**

There is the story of the rabbit, which, upon seeing the antelope racing past in terror, asked, "Why are you fleeing?"

"Hurry, save yourself!" said the panting antelope. "They are coming through the forest today to kill all the rabbits!"

"But what is that to you?" asked the rabbit. "You are an antelope."

"To be sure," replied the antelope as he started off again, "but if they want to call antelopes rabbits, how are we to prove we are not?"

In most circumstances innocence cannot be proved. And when, as in conspiracy charges, there is involved the issue of "guilt by association," with the individual's guilt established not by substantial evidence of his own crimes but by identifying him with a group arbitrarily ruled subversive, proof of innocence is virtually impossible.

How does one go about proving a negative? Since no man can show conclusively that he did not request or transmit certain illegal information, there remains only the simple act of denial. How could Julius Rosenberg do more than deny that he had told Greenglass about his fantastic theft of the secret of the "sky platform"? How could he do more than deny his knowledge of Greenglass' "Russian"? How could he prove that he did not receive a citation? Or how

could he disprove that Gold had a rendezvous with Fuchs if he was not a Communist Party member?

"One may well marvel at the ingenuity of an arranger [makes] it so easy, in the one case, to prove [Communist membership] and so hard, in the other, to prove non-membership."

And yet, this was the heavy burden placed on Mr. Rosenberg. He began to question Julius concerning each overt act charged in the indictment.† Did Julius ever ask Ruth to enlist David Greenglass? No, he did not. Did he see David on his January funeral? No, he did not. Where? At his mother-in-law's house. Did he ever invite the Greenglasses to their homes for supper? No, he did not. Did he know that David was working on the Los Angeles project? No, he did not know that.

And so it went, step by step: question — denial, question — denial. And what is striking is that Julius made no attempt to deny any visit of the Greenglasses. On the contrary, as indicated by the evidence ever was true was frankly admitted, i.e., that such visits were normal family gatherings. Had Julius so desired, he could have denied flatly, for example, that the crucial September 1950 had taken place. Since no witnesses were present, it would have been the word of one couple against the other.

It was the defense's fervent hope that the jury would find how easy it was for Elitcher or the Greenglasses to enlist up such innocent visits and thereby extend them into acts. But Julius' very forthrightness seemed to operate to his disadvantage. In any event, it was to lead him into a dangerous area of political opinion with the Court, indeed into a confession of sins in the ecclesiastical viewpoint of "Pope" Pius XII's refusal of the heretic to recant.

Perhaps nowhere in the record is there a more complete refutation of Julius' innocence than in his forthright admission of political goading.

Early during direct examination, when Mr. Rosenberg asked Julius about Ann Sidorovich, Kaufman suddenly assuming the role of prosecutor-in-chief, he asked questions which clearly violated the defendant's constitutional freedom of thought and conscience:

*F. J. Donner, *op. cit.*, p. 306.

†For Julius' direct examination, see Record, pp. 1282-1286, 1307-1308.

*Louise Brown, *op. cit.*

The Court: Did you ever discuss with Ann Sidorovich the respective preferences of economic systems between Russia and the United States?

A. [Julius]: Well, your Honor . . . first of all, I am not an expert on matters on different economic systems, but in my normal social intercourse with my friends, we discussed matters like that. And I believe there are merits in both systems, I mean from what I have been able to read and ascertain.

Q. [Kaufman]: I am not talking about your belief today, I am talking about your belief at that time, in January, 1945.

A. Well, that is what I am talking about. At that time, what I believed at that time I still believe today. In the first place, I heartily approve our system of justice as performed in this country, Anglo-Saxon jurisprudence. I am in favor, heartily in favor of our Constitution and Bill of Rights and I owe my allegiance to my country at all times.

Under the guise of establishing "intent," here is Kaufman conducting an inquisition into the most sacred right of all Americans — the right to believe whatever one chooses and to express that belief fearlessly and unashamedly.

Too impatient to wait for Saypol to cross-examine, Kaufman misuses the immunity of the bench to endorse the theory that because someone had expressed a favorable interest in the Russian socialist system he was thereby sufficiently motivated to become a spy and traitor.

In his book about Alger Hiss, Alistair Cooke presents a brilliant analysis of the current phenomenon of American ex-heretics beating their breasts in penitence for the beliefs they once cherished proudly. At the conclusion of his opening chapter, "Remembrance of Things Past," he sums up:

"A man who could be shown to have been a doctrinaire Communist or a fellow traveler in the thirties would have a harder and harder time proving, in the fifties, that he had not been a member of the Communist underground. After the Hiss Trials . . . this was, in fact, exactly what happened. And in the Senate especially there was an alarmed minority ready to make political hay by blurring this distinction between an old sympathizer and an old spy."*

Perhaps it was foolhardy of Julius to have accepted Kaufman's challenge, for the ominous threat was unmistakable both in the

*Alistair Cooke, *op. cit.*, p. 40.

loaded questions and in the undisguised manner. Even the newspapermen appeared to report the reaction of the jury. 1 March 23, 1951:

"When Rosenberg was being questioned, the jurors watched him carefully."

On that same day, the popular action in Washington by the United Nations about membership in the Communism, he "pleaded with the investment to 'crawl through the mud' — to be Julius Rosenberg had his chance to through the mud this was it. But instead by pointing out a difference between 1945, he replied, perhaps unwisely but whatever he believed then, he still believed."

It was a courageous thing to have the opportunity to beat the drum of the ablest enough to realize that this was a discreet he might have avoided some entered against him. But his integrity was in mind Kaufman indirectly that there was his basic constitutional rights. And it was decided to ask Julius point-blank:

Q. [Bloch]: Do you owe allegiance?

A. [Julius]: No, I do not.

Q. Have you any divided allegiance?

A. I do not.

Q. Would you fight for this country with any other country?

A. Yes, I will . . .

And then, conscious of the necessity of deciding as to which system of government he

[Julius]: . . . And in discussing the arguments, I discussed that with my performance of what they had accomplished. Soviet government has improved [it] has made a lot of progress in eliminating

*"Later [Parks] went behind closed doors to the New York Times, March 22-23, 1951.)"

ised hostility of tone and mannered to be aware of this as they here is the New York Times of

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lot of reconstruction work and built up a lot of resources, and at the same time I felt that they contributed a major share in destroying the Hitler beast who killed six million of my co-religionists, and I feel emotional about that thing.

Q. Did you feel that way in 1945?

A. Yes, I felt that way in 1945.

Q. Do you feel that way today?

A. I still feel that way.

To the ears of Kaufman this was nothing less than blasphemy. Seeking to undo the evil effect of Kaufman's prejudice, Mr. Bloch preferred to air the issue thoroughly rather than leave the jury dangling in doubt:

Q. [Bloch]: Did you ever make any comparisons in the sense that the Court has asked you, about whether you preferred one system over another?

A. [Julius]: No, I did not. I would like to state that my personal opinions are that the people of every country should decide by themselves what kind of government they want. If the English want a King, it is their business. If the Russians want communism, it is their business. If the Americans want our form of government, it is our business. I feel that the majority of people should decide for themselves what kind of government they want.

Q. Do you believe in the overthrow of government by force and violence?

A. I do not.

Q. Do you believe in anybody committing acts of espionage against his own country?

A. I do not believe that.

Despite these avowals, Kaufman interrupted again, this time clearly violating the defendant's constitutional rights of association:

The Court: Well, did you ever belong to any group that discussed the system of Russia?

The Witness: Well, your Honor, I feel at this time that I refuse to answer a question that might tend to incriminate me.

The Court: It seems to me I have been hearing a lot about that.*

*This remark has all the malicious intent of a McCarthy using the expression "Fifth Amendment Communist." And yet, only four years later, we see as front-page news in the New York Times:

"CAIN DEFENDS USE OF 5TH AMENDMENT"

Taking issue . . .

Observe the astonishing spectacle of Kaufman *versus* . . . What is the connotation of this last remark, if not delibament of the jury? It is saying to them in effect, "Why jurors believe that Rosenberg is opposed to acts of espionage he refuses to state if he ever belonged to a group that d Russian system of government?"

Here is the record continued as Mr. Bloch strives to that Julius was thinking of the Communist Party in his none of the jurors might think it was other than a leg group — for example, a group of bewhiskered Bolsheviks a candlelit basement.

Q. [Bloch]: . . . When you answered the Court's q you have in mind the Communist Party?

A. [Julius]: Yes, I did.

The Court: Well now, I won't direct you at this p swer; I will wait for the cross-examination.

Q. [Bloch]: Do you want to say anything more about politics — if the Court wants it . . .

A. I can say this . . .

The Court: No, he has replied.

What exactly is on trial here? A sympathizer or a spy? A n or the crime charged? What if Julius had discussed "the Russia" in a group such as the Steinmetz Club at N. this be proof of his potential treason? And why does Kauf the impression that he intends to *direct* Julius to answ cross-examination? Is this an invitation to Saypol to cor prejudicial line of questioning? It must be, since Kaufm perfectly well that he may not compel a witness to testi himself!

Significant, too, is how Kaufman slams the door on the willingness to explore more fully Julius' "ideas on politi that he has cast the cloud of "Communist incrimination" c Julius' testimony, he curtly dismisses the offer with "No, I plied."

In other words, he is saying to the jury: "We have eno

reports, former Republican Senator Harry P. Cain of Washington for a thorough overhaul of the Government's employee security pr Here is former Senator Cain castigating "those who use 'Fifth Amer as an adjective of disapprobation modifying the noun 'Communis

"Centuries of inquisitional tortures, mental and physical givings over man's inebue . . .

have him now. The accused has stated he *still believes* today what he believed in 1945. The accused *still believes* that the Soviet Union has improved the lot of the underdog; *still believes* that the Russians have eliminated illiteracy, and *still feels* sympathetic toward those who have avenged the extermination of his co-religionists. Moreover, the accused *still believes* that if the Russians want communism, it is their business! And finally, when I asked him about ever belonging to a group that discussed the economic system of Russia, you saw him immediately hide behind the Fifth Amendment like all the rest of his kind we have been hearing a lot about. Indeed, we have enough — we need no more!"

iii

"Opinion is something with which the government has no business to meddle: it is quite beyond its legitimate province."

— Thomas Jefferson

It is during Julius' cross-examination that the hollowness of the prosecution's case becomes apparent.* Here, in this portion, follows the *only* documentary evidence which the FBI and Saypol could offer as tangible "proof" that the Rosenbergs were tools of the Kremlin:

Q. [Saypol]: Did you ever go out and collect any money for the Joint Anti-Fascist Refugee Committee?

A. [Julius]: I don't recall collecting any money, but I recall contributing money.

Now that Julius has taken the bait by trying to lessen his "criminal activities," *i.e.*, the contribution of one dollar to the victims of Franco, Saypol springs the trap. Striding melodramatically toward the jury, as we read in the *New York Times* of March 23, the prosecutor:

"... produced a collection can bearing the Committee's name and set it down on the jury-box rail with a loud thump."

And now, moving well back for better effect, Saypol hurls this triumphant question:

*For Julius' cross-examination, see Record, pp. 1159-1282; recross: pp. 1308-1309.

"THOUGH ALL THE WINDS OF DOCTRINE ..."

Q. ... Did you ever see this before? ... Do you remember the agents arrested you and took that out of your house?

A. [Julius]: That is correct.

Mr. Saypol: I offer it in evidence.

(Government Exhibit 27 ... received in evidence.)

Here the record discloses that the prosecutor proceeded to read wording on the label of the coin-can as though it were some spy directive:

Mr. Saypol: May I read the label to the jury?

The Court: Yes. ...

Mr. Saypol [reading]: ... "Save Spanish Republican C Volveremos, We Will Return. — Joint Anti-Fascist Refugee Committee, 192 Lexington Avenue, Suite 1501."

After pointing out that the can also contained "a notice on the label indicating that the City of New York permitted these cans to be used for solicitation," Saypol now delivered the telling blows he has been building up to all along:

Q. So that perhaps you did a little more than just contribute

It was an incredible performance to behold and Julius was astounded at this little tin can being submitted to the jury as evidence of his guilt. Only one thing was lacking with all these antics — the final lift of the prosecutor's eyebrow and the leer in his eyes. "Eh?"

[Julius]: I would like — to talk about this a moment, Your Honor. ... That is not so, Mr. Saypol.

The Court: What did you want to say?

The Witness: The date on this can is May 20, 1948. I was an insurance man in the International Workers Order, and they sent me a can to me to ask me to solicit funds. I never solicited funds. I made a contribution to them.

With this damning admission, however, Julius unwittingly led the jury from the tin can into something much worse than fire, for he just confessed an "incriminating" affiliation with still another of Attorney General's list of "subversive" organizations! And now Saypol and Kaufman pounce on Julius to underscore with emphasis the damaging name of the International Workers Order.

Q. [Saypol]: Do you know that the International Workers Order is now the subject of a law suit across the way in the Supreme Court?

Here Mr. Bloch promptly objects to the question upon the grounds that it is incompetent, irrelevant and not related to the issues in the case, but Kaufman ignores him and addresses Julius:

The Court: What is the International Workers Order?

A. [Julius]: An insurance organization, your Honor.

Q. Is it a public insurance company?

A. Right, sir.

Q. [Saypol]: Is it not a fact that it is a Communist organization exclusively?

Mr. Bloch [objecting]: I think, if the Court please, we are really going off the issue.

The Court: Oh, no.

The Witness: I don't believe it is a Communist organization.

At this point Kaufman permitted Saypol to hammer away at Julius' voluntary disclosure that he and Ethel held an insurance policy in the amount of \$5,000, issued by a fraternal order, which, for decades, had a plan of low-cost insurance for its 160,000 members of all political shades of opinion, creeds and nationalities. Despite strong defense objections, Saypol demanded:

When did Julius join it? How? Under what circumstances? Who invited him to join it? Well, somebody had solicited his membership many years ago — and he had held insurance ever since. Who was that somebody? Was that somebody "perhaps a member of the Communist Party"? Where was the policy? To whom did he send his premiums? To the secretary of the lodge? Well, where did the secretary live or have his office?

And so on and on — as though any of this had anything to do with the crimes charged — and all the while the effort to turn a prosaic insurance policy into an association with a sinister "somebody"!

As a final comment on this portion of the record dealing with Julius' political opinions, one is reminded of the many reckless charges that the Rosenbergs were determined to die like fanatical martyrs for the "Cause." But one is forced to ask: Who is really the fanatic here? Is it Julius Rosenberg or Irving Kaufman? Where is there any sign of "compulsive martyrdom" in Julius' plain statement of his honest opinions? Why doesn't the "fanatical" Rosenberg use

the witness stand as a convenient soapbox to shout slogans about Wall Street imperialists?

Who is it that cannot abide an American citizen discussing with friends and relatives the differences between the economic systems of the Soviet Union and the United States? Who is it that condemns as heresy a simple statement of known statistics, to wit, the reduction of Russian illiteracy? Who is it that condemns belief in such facts and demands recantation? Who is it that condemns the free exchange of ideas in the market place of public opinion?

And finally, who is it that overrules every defense objection to the introduction of a *charity* collection can as incriminating evidence, and who is it that allows and abets a Saypol to incite the jury with an insurance policy such as was held by tens of thousands of other Americans? Who were truly the fanatics at the Rosenberg trial — and thereafter?

iv

*"We have never known the ease of riches or even comfort. At times we have felt the pangs of want. We come from a humble background and we are humble people."**

On direct examination the usual preliminary questions had been asked concerning Julius' education, employment and marriage. Since nearly all of this material has been covered in earlier chapters, perhaps only this should be added: That the undisputed record of the Rosenbergs as an average, hard-working, decent American family is completely without blemish. No crime, no misdemeanor, no unpaid bills, no infraction of the law appears in all their life history. Which brings us to the sharp contrast between the Rosenbergs' alleged possession and spending of large sums of money and the actual economic circumstances surrounding their lives.

In an embellishment of her accusations, Ruth Greenglass testified that on the night the Jello box was cut up Ethel had told her that Julius was running around "a good deal" and using up his energy "in this thing" (espionage work). This is from her direct examination, as she continues:

*From the Petition for Executive Clemency, signed by Ethel and Julius Rosenberg, dated Jan. 9, 1953, p. 24.

[Ruth]: . . . That he had to make a good impression; that sometimes it cost him as much as \$50 to \$75 an evening to entertain his friends. . . .*

On cross-examination of Julius, Saypol tried to develop this theme of the spy-master entertaining his recruits by asking how many night clubs and "high class restaurants" Julius made "a habit of going to." Possibly it was expected that the witness would deny that he had ever been to any, but again we discern, in the directness of Julius' replies, an unmistakable ring of truth. Yes, he had been to a night club:

Q. [Saypol]: What night club?

A. [Julius]: Well, the Federation of Architects had a dinner party at Cafe Society.

Q. Was that the only night club you were ever at?

A. That is the only night club I ever attended.

Q. . . . Did you ever go to restaurants where the prices were expensive?

A. Yes, I did.

Q. How many?

A. Well, once when I was taking my wife out, to a place near Emerson Radio called Pappas, and on another occasion I have eaten at a place called Nicholas on Second Avenue.

Q. Did you ever eat at Manny Wolf's?

A. Yes, I remember eating there once.

Q. With whom?

A. When I was working as an inspector; Jefferson Travers Radio, they had a dinner party and they invited the inspectors down to Manny Wolf's for dinner and for a show.

Mr. Saypol: Fix the time, please.

A. It was either in 1941 or 1942.†

To Julius, to whom a two-dollar or three-dollar meal was the height of extravagance, having such a dinner with his wife on two occasions in such modestly priced restaurants as named above was indeed "expensive"! And so pathetically rare were these occasions

*Record, p. 691.

†Julius worked for the Signal Corps, inspecting equipment purchased from firms such as Jefferson Travers Radio Company. This dinner was apparently given for a number of inspectors of the Signal Corps.

that he remembers the Travers Company dinner party of some ten years ago.*

It should be added that the prosecution was unable to dispute any of Julius' above testimony by any contrary information. Nor could it dispute the fact that the Rosenbergs had lived on the most minimum income for a married couple trying to feed, shelter, clothe and doctor themselves and their two growing boys. Here are the cold figures in dollars and cents for the period covering the time of Ruth's testimony:

Julius' average weekly salary during his five years with the Signal Corps, 1940-1945, was \$52.75. The Rosenbergs' monthly rent for their three-room apartment during this same period was \$45.75.

The total cost of the Rosenbergs' furniture and possessions can be estimated by their \$25 secondhand piano, their \$20 secondhand chest of drawers, their \$10 secondhand chests of drawers for the children, their secondhand bookcase ("the best piece of furniture" the Rosenbergs possessed) which an executive of Travers Radio had given Julius for the \$5 cost of transportation; and, finally, their \$21 console table bought at Macy's.†

The full cost of Ethel's clothes in the ten years of her marriage was "a maximum of \$300" including an \$80 "fur coat." The full cost of Julius' five suits purchased in this ten-year period was \$130, with no suit costing more than \$26. His only overcoat, purchased ten years before the trial, had cost \$55. Their average gas bill was \$2 per month.‡

Pitiful? Not at all. For Ethel and Julius had an unusually happy marriage and home life even though it frequently "bordered on poverty." What was bitter, in the face of their ten-year struggle for a mere existence, was hearing the prosecution depict Julius as "the payoff man" of a widespread criminal combination fed by a seemingly endless supply of "Moscow gold."§ Here is an example from Ethel's direct examination of how the Rosenbergs lived in their so-called lap of luxury:

*Note: Apropos of these prosecution charges, one wonders if they were not a projection of Roy Cohn's practice of entertaining his own recruits for Government witnesses, as revealed by the sworn confessions of Harry Matusow. In court, the latter described how he was taken by Cohn to such extravagant and lush night clubs as the Stork Club, Larue's, El Morocco and Lindy's Restaurant, during the period he was being coached as a false witness. (See New York Herald Tribune of Feb. 11, 1955.)

†The balance of their furniture was borrowed from their friends, the Stein-garts. (See Record, pp. 1058, 1053-54, 1054-55, 1297-1298.)

‡Record, pp. 1083-1084, 1299.

§Petition for Executive Clemency, Jan. 9, 1953.

Q. [Bloch] mately nine y

A. [Ethel]:

Q. Did you

A. Yes, I d

Q. Cookin

A. I d

Q. Now, c [one month months of Et

A. That is

Q. Your la

A. That is

"Ah yes," mu scrimping and s recruits, contact standard of livi

Very well, bu about all establ nage agents? W \$50 and \$75 a n income and pre Harold G. Urey 1953:

"The Ros and the statu night clubs: this, he wou his associate

Any intellige affluent, must b G-2 investigatio less than the tal While the fo vestigators of t equally to the : Manual, Crimi and Undercover

Q. [Bloch]: . . . You lived there [at 10 Monroe St.] approximately nine years?

A. [Ethel]: That is right.

Q. Did you do all the chores of a housewife?

A. Yes, I did.

Q. Cooking, washing, cleaning, darning, scrubbing?

A. Yes, I did.

Q. Now, outside of these three periods you last mentioned [one month following the birth of each child and four or five months of Ethel's illness], you did all the housework yourself?

A. That is right.

Q. Your laundry and everything?

A. That is correct.*

"Ah yes," mutters the skeptic, "but Julius could have kept Ethel scrimping and slaving and still have been the paymaster of all his recruits, contacts and subsidized students. The Rosenbergs' modest standard of living could have been simply a front."

Very well, but if we accept this contention, what is to be done about all established "rules of conduct" regarding successful espionage agents? Would Julius, as a veteran spy, dare to toss around \$50 and \$75 a night so ostentatiously in direct conflict with his low income and prosaic home life? Here is how this charge struck Dr. Harold C. Urey when he wrote to the *New York Times* on Jan. 8, 1953:

"The Rosenbergs appear to have been as poor as churchmice and the statement that Julius was spending \$50 or \$75 a night in night clubs seems to me to be a very doubtful one. Had he done this, he would have been obviously and unaccountably rich to all his associates."

Any intelligent spy knows that he must not appear conspicuously affluent, must behave in keeping with his means. Would Julius invite G-2 investigation at the Signal Corps where he earned a weekly salary less than the table checks he was paying nightly?

While the following rules govern the conduct of undercover investigators of G-2, certainly logic would demand that they apply equally to the suspect. Here are some excerpts from the U. S. Army Manual, *Criminal Investigation*, under the chapter "Surveillance and Undercover Techniques":

*Record, p. 1296.

"SELF BUILD-UP: . . . Ostentatious behavior, or claims of self-importance may lead to inquiries by the suspect and result in disclosure of the identity of the investigator.

"EXCESSIVE SPENDING: Expenditures should be in keeping with the part portrayed."*

Surely, if such primer rules are known to counterspies, Julius Rosenberg, who was supposed to have been eminently successful in eluding them for eight years (1942-1950), and was caught only because his brother-in-law was supposed to have betrayed him, should have had some knowledge of these basic principles. Let us not forget, too, that Ruth Greenglass testified that Julius had instructed her:

"... to tell David to be very circumspect . . . to be very careful . . . not to be too obvious. . . ."

Why then should Julius do the very opposite with his recruits? And why *must* he spend such large sums to impress them? This is from Saypol's opening statement:

"... The Rosenbergs and Sobell, acting separately and in concert, engaged in a ceaseless campaign to recruit promising members for their Soviet espionage ring. They were ever on the lookout for those *whose state of mind and sympathies were such that . . . they would be ripe* for a proposition to betray this country by stealing its secrets and giving them to the Soviet Union, to advance its cause and the cause of world Communism."† (Emphasis added.)

In Elitcher's testimony the same charge is pinpointed to Sobell's "request for names [of] any engineering students . . . who were progressive." Hence we come upon another glaring inconsistency: On the one hand we are told that Julius was ever on the lookout for progressive recruits, whose sympathies toward world Communism had ripened them for espionage, but on the other hand we are told that Julius found it necessary "to make a good impression" by spending lavish sums of money on them! Very odd. First we are asked to believe that there were all these "dedicated" Communists emerging from the so-called pool of potential spies, but then we find that these same ripened spy prospects still needed to be impressed by such entertaining as a crass Babbitt might employ in seeking a fat sales order from a department store buyer.

*See FM 19-20, Dept. of the Army, pub. U.S. Government Printing Office, July, 1951, p. 140.

†Record, p. 182.

U

"There came a day, however, that a vigilant FBI broke through the darkness of this insidious business and collected the evidence. . . ."

— Opening statement by Saypol; Record, p. 183

Even when one tries valiantly to accept the credibility of the prosecution's case, one is met too often with the implausible. For example, there is the FBI's *total* failure to discover any evidence pointing to the Rosenbergs' guilt other than the little coin-can and the nominating petition Ethel had signed (together with 50,000 other Americans) ten years before the trial.*

"Well, yes," Mr. Saypol might retort, "but the Rosenbergs were so diabolically cunning, so insidious, invidious and inscrutable, that our usually vigilant FBI just never suspected them until the Green-glasses so patriotically repented and helped them break through the darkness."

To be sure, a reasonable argument, but not in the face of the facts as they are disclosed by the court record. Because not only was there no darkness, but there was the full FBI spotlight focused on Julius Rosenberg as far back as 1944! During this period FBI detectives had him under surveillance at least four months *before* his alleged spy proposal to Elitcher, and nine months *before* his alleged recruitment of Ruth and David. Here is the record with Julius under cross-examination, as he is being asked about his dismissal from the Signal Corps in February of 1945:

Q. [Saypol]: And what was the reason?

A. [Julius]: It was alleged that I was a member of the Communist Party.

Q. Did Captain Henderson [of the Signal Corps] advise you at that time that information had been received that while a student at City College you signed a petition for the granting of a charter to a chapter of the American Student Union, which has

*Ironically enough, it was Ethel's own declaration to the press immediately following Julius' arrest which brought about the discovery of this "evidence." On July 19, 1950, the New York *Journal-American* carried an interview with her in which she stated:

"Neither of us were ever Communists. We signed a petition some years back to put somebody on a ballot — I don't remember which one."

been reported to be or had been u
nists?

A. He informed me.

Q. Now at that time in response
an answer, Mr. Rosenberg?

A. I did.

At this point Saypol read from a sta
April 3, 1945, to the Commanding Office
in which he had replied to these charg

"On 28 March 1945, I [Julius Ro
Intelligence Officer of the Newark S
and copied excerpts from a written
me by Captain Henderson in the p

"Those charges allege, first: "

"That you are a communist me
transferred from Branch 16-b Indus
Party to the Eastern Club of the 1st A
Transfer No. 12179, in February 194

And here we come to Julius' unequiv
in his statement to Army Intelligence

"I am not now, and never have be
know nothing about communist bi
transfers. I never heard either of the I
to. I had nothing to do with the se
charge is based on a case of mistaken
hood. In any event, it certainly has no

For a period of more than a year follo
from the record Julius repeatedly cha
FBI with the hope of clearing his name
making a special trip to Washington to se
Dickstein) to help him appeal his case.*

In Elitcher's testimony there is ample
forts, because he testifies that during a vi
mer of 1945 Julius had told him that he
for security reasons, and that the union

*See Record, pp. 1152-1156, for reference to
record of [his] case with the Government at t
Defendants' Exhibits E and F for Identificat
of his trip to Washington seeking reinstatem

nder the influence of commu-

to these charges did you file

itement written by Julius on
r of the Newark Signal Corps,
es, to wit:

senberg] appeared before the
Signal Corps Inspection Zone
statement of charges read to
resence of two other officers.

mber. It is alleged that you
trial Division of Communist
sembly District, N. Y., under
'4.' " (Emphasis added.)

ocal denials of these charges

een a communist member. I
ranches, divisions, clubs or
Division or the Club referred
o-called transfer. Either the
identity or a complete false-
st the slightest basis in fact."

wing these denials, we know
llenged the report of the
and regaining his job, even
e his Congressman (Samuel

corroboration of these ef-
sit to New York in the sum-
[Julius] had been dismissed
was "fighting" the case for

Julius' file containing "the
he time of dismissal," marked
ion, as well as his testimony
ent.

him. In addition, that Julius had shown and read to him "some sort of
brief regarding the case."

The Court: Was there any comment by him after he read it to
you?

The Witness [Elitcher]: Yes. . . .

Here again we have the familiar pattern of the truth of a harm-
less visit extended into a criminal conversation, as Elitcher proceeds
to add a conspiratorial dash of espionage to the brew:

[Elitcher]: He said he had been worried for quite some time,
for weeks about this case, because he thought it had to do with
this espionage activity, but he was quite relieved to *find out* it
only had to do with the party activity. So he was relieved.* (Em-
phasis added.)

Observe the unique situation of the FBI having Julius under sur-
veillance as far back as 1944 and nevertheless remaining completely
ignorant of his widespread espionage activities for six years!

But how easily and wishfully Julius is "relieved"! Once before,
according to Elitcher, Julius had voiced his relief via Sobell during
the Catherine Slip episode of 1948. This was the alleged remark that
Bentley could not possibly remember him. In our analysis of that
episode we saw what little reason Julius had for optimism, since all
he could possibly know was what he could read in the newspapers.
But in this instance there is even less reason for feeling relieved.

Because how could Julius *find out* that this FBI report to G-2
"only had to do with the party activity" and was in no way related
to "his espionage activity"? And how would Julius *know* "in the sum-
mer of 1945," a month or so before David Greenglass' September
delivery of the Nagasaki bomb plans, that the FBI surveillance which
had resulted in his dismissal had ceased?

Surely, if the "spy-master" had anything to do with Yakovlev dur-
ing 1945 — the most crucial year charged in the indictment — he
would have informed his Russian superior that he had been exposed
by the FBI and fired by Army Intelligence "for security reasons." In
such an event, can there be any doubt that the Russians would have
commanded him to cease and desist all espionage work at once?

But regardless of whether the FBI report was bona fide or not, one
thing is clear: That such a report was made to G-2 and that Julius
was fired in February, 1945, on the basis of an FBI surveillance which
had commenced *during 1944*, if not earlier. Which brings us to this
all-important question:

*Record, pp. 242-243.

*If Julius was under surveillance during the pre-
alleged conspiracy, and if he was really a spy, then why
discover anything at all about his widespread espionage
all these six years?*

Certainly the FBI was not so obliging that it
in Julius after his dismissal from the Signal Corp
William Perl (classmate of Rosenberg and Sobell)
it kept *him* under the closest surveillance for y
extent of obtaining copies of postal money orders w
as monthly rental payments to Alfred Sarant as fa
1947.*

From David Greenglass' testimony, we recall the
ius' espionage trips to Cleveland, Ohio, and from
amination of Julius concerning William Perl the
infer that Perl was Julius' contact in that city.

It follows, therefore, that if Perl was constant
through the late 40's, certainly the same must have
senberg, especially after his Signal Corps dismissal!
that the FBI was in such total darkness about Ju
activities all through the years 1944 to 1950? An
these years when there must have been surveillan
the highly trained FBI could not produce *one singl*
inating evidence — whether check accounts, letters,
Soviet citations, Soviet wrist watches, cameras, mit
tus, passport photos, the hollowed-out console tabl
whatsoever?

There is, of course, an answer to all these ques-
ply this: To be sure, the FBI had Julius under su-
kind ever since 1944 just as they had Perl, but :
"incriminating" was that he had been a membe
Club and the American Student Union. And cor-
port to G-2 of Julius' Communist Party members
well have been another piece of malevolence or i
false accusation that was made against Mrs. Ann
Assistant Secretary of the Department of Defense, h
nist informer, Ralph De Sola.†

*See Perl Record, pp. 395-399, for references to Governme
to 32-1, representing Perl's rental payments via postal money
his subleased apartment.

†De Sola swore that Anna Rosenberg had been a member of the
Club and, despite Mrs. Rosenberg's categorical denial, the in-
insisting on the accuracy of his identification. De Sola was p
juror after Mrs. Rosenberg's subsequent vindication. It sho-
that De Sola was never prosecuted. (See article "The Inform

But this much is certain: That a good deal of Julius' comings and goings throughout the period of the alleged conspiracy were known to the FBI. Neither can there be any doubt that his phone was periodically tapped, that his mail was opened, that his bank accounts were photostated, and that every one of his friends and classmates whose names were later revealed at the Perl trial and at the McCarthy investigation at Fort Monmouth was thoroughly checked for possible espionage.

And yet, in all these years, the FBI failed to discover anything dealing in any way with espionage! For if they had found *something*, no matter how slight, it surely would have been presented as a Government Exhibit for Mr. Saypol to thump down on the jury-box rail as he did with the little coin can labeled "SAVE A SPANISH REPUBLICAN CHILD"!

vi

"I have read the testimony given at the trial, and though I have no legal experience in matters of this kind my competence is comparable to that of the jurors and the great public who are concerned about this matter.

"... The government's case rests on the testimony of David and Ruth Greenglass, and this was flatly contradicted by Ethel and Julius Rosenberg. I found the testimony of the Rosenbergs more believable than that of the Greenglasses."

— Letter of Dr. Harold C. Urey to Judge Kaufman, Dec. 16, 1952

In our analysis of this fatal contest between the Greenglasses and the Rosenbergs, let us view the latter's testimony as a whole and see if it meets the same test of likelihood and credibility we have given that of the prosecution's major witnesses. Do we find any of the gaping loopholes, the unexplained discrepancies, the flat contradictions and sheer improbabilities we find in the testimony of Elitcher, Gold, Bentley and the Greenglasses? Let us recall just one or two of the outstanding features of the prosecution's case, beginning with the crucial console table, and ask ourselves which table is more believable.

Is it the prosecution's vanished table, never produced in court, even though it was available to the FBI for months? Is it Saypol's expensive mahogany table, costing no less than \$85, and doing double

duty as a Russian gift and as a microfilmin cheap gumwood, imitation mahogany \$21 t: furniture buyer of R. H. Macy? Is it Rutlowed-out table? Or is it the plain, ordinary dusted so often, with her testimony entirel usual feature?

And apropos of likelihood, one is sharply phal discovery of Whittaker Chambers' "lif ing is from the 1951 World Almanac's cc Chambers case:

"Microfilms of these documents [whic to have given Chambers] . . . were found kin on Chambers' farm in Maryland in the House Un-American Activities Com Nixon and J. Parnell Thomas] who had bers himself after he had made his cha the Committee." (Emphasis added.)

Such two farfetched objects: A hollowed are concealed microfilms of Alger Hiss' illeg lowed-out console table with which to mic illegal reports about the atomic bomb! Is it cutor in charge of both the Hiss case and tempted to repeat the "plot device" employe bers?

In our test for likelihood and credibility, I questions about the all-important Jello boy David nor Ruth ever mentions it to the Ros tember visit in 1945, according to their testir earlier, a "man" had suddenly appeared at t to instructions. How is it that the Greenglass est normal reference to Gold's surprise visit

"Is he going to visit us again? How come Safeway store as we arranged it? The Jello bo but why didn't you ever tell us about his re from Julius? And thanks for that \$500, bu right thing; I told this Dave from Pittsbur New York on a furlough this Christmas and via your telephone. I hope that was okay. W

During the alleged crucial September d bomb data, which was only one month after Hiroshima and Nagasaki, isn't it strange th:

g apparatus? Or is it the
ble authenticated by the
i's cloak-and-dagger hol-
one Mrs. Cox wiped and
y devoid of any such un-

reminded of the apocry-
e preserver." The follow-
indensation of the Hiss-

h Alger Hiss was alleged
in a hollowed-out pump-
1948 by investigators for
ommittee [namely Richard
been led there by Cham-
rges against Hiss before

l-out pumpkin in which
al documents, and a hol-
rofilm David Greenglass'
t possible that the prose-
the Rosenberg case was
d so effectively by Cham-

et us ask some additional
c. How is it that neither
nbergs during their Sep-
nony? Only three months
heir apartment, *contrary*
es fail to make the slight-
, such as:

he didn't meet us at the
x halves fitted just right,
cognition signal, 'I came
t I wonder if we did the
gh that I might come to
that he could contact me
'as it?'

elivery of the Nagasaki
the atomic destruction of
it no normal remark was

eleventh floor of the Tombs. And since Greenglass swore that he had prepared these exhibits without any such assistance this would not only constitute perjury but also raises the question whether or not subornation of perjury was involved.*

In other words, the essence of the case against the Rosenbergs (Government Exhibits 2, 6, 7 and 8) appears to have been literally manufactured for the trial by Greenglass and Gold with the assistance of certain government officials. But, whether due to Greenglass' mental limitations or to the precautions taken by the various participants, the frame-up was inherently a botched piece of work. We recall the low opinion of his scientific testimony expressed in the Joint Committee Report. But even the editors of *Time-Life* publications voiced their disappointment with Greenglass' highly touted revelations. Here is *Time* magazine of March 26, 1951:

~~And here is the incredulity expressed by Scientific American, May, 1951:~~ *cut*

"Greenglass is no scientist, [in high school] he flunked eight courses out of eight, and some of his testimony made little scientific sense."

Here is the opinion of the science editor of *Life*, on the same date:

"Greenglass' implosion bomb appears illogical, if not downright unworkable."

And here is the incredulity expressed by the *Scientific American*, May, 1951:

"What the newspapers failed to note was that without quantitative data and other necessary information, the Greenglass bomb was not much of a secret."

It may be contended that the Rosenbergs were just as guilty even if Greenglass' snooping had resulted in partial failure, but this was not the prosecution's case. Greenglass claimed that he was successful and, to prove it, he claimed to have prepared the "copy" of the Nagasaki bomb material unaided. We believe we have proved his claims utterly false and, indeed, the fact that his handwritten memo does not contain mention of the most important act of the conspiracy is in itself proof of subsequent fabrication. In addition, this memo exposes a further perjury when Greenglass testified that he had told the FBI about the September visit to the Rosenbergs on the night of his arrest.†

~~September visit to the Rosenbergs on the night of his arrest.~~
In view of this last claim, it is highly significant that the alleged September episode — the core of the Government's case as well as

*See charge in defense appeal that "this testimony was perjurious and must have been known to the authorities to be false." (Transcript of Record 687, p. 89.)

Q. [Saypol]: . . . Would you be good enough to point out for me which of these tables *resemble* the console table that your husband, you say, bought at Macy's?

A. [Ethel]: Well, these are . . . these look a lot more fancy than what I had, but I would say that this, or this (indicating) had some similarity.

Q. You told everybody that you bought it in Macy's for \$21?

A. I wouldn't say that I told everybody. I don't know whom I might have spoken to and whom I may not have, but I know I bought it at Macy's.* (Emphasis added.)

Such, then, was the gist of the testimony concerning the console table. It was the word of the Greenglasses against the word of the Rosenbergs. Innocence is no protection, goes the proverb, and how much less so when there was no necessity on the part of the accusers to prove guilt? Although our law does not require proof of innocence, how could the Rosenbergs disprove these accusations when the very instrument of their alleged crime was presented only in the form of sample pictures? Since the table testimony was suddenly "sprung" on them for the first time right there in the courtroom, there was no way for them to retrieve the table because, as far as they knew, all their furniture (such as it was) had been sold to the second-hand dealers back in October of 1950 when they had given up their apartment.

And yet, with it all, the innocence of the Rosenbergs, at least on this charge, was proven beyond all possible doubt in a public courtroom eleven days before their executions. But so determined was Judge Kaufman that they be put to death that he even refused to look at the recently located console table despite the R. H. Macy affidavit that its markings proved it authentic.†

With the sensational discovery of the console table, the following facts become incontrovertibly clear:

1. That the Greenglass testimony concerning it was completely false and perjurious.
2. That the prosecution "knowingly sponsored this false testimony" and that it was utilized to forge "a false link . . . between the Rosenbergs and the 'Russians.'"‡
3. That the actual console table was available to the prosecution for at least four months following Greenglass' arrest.

*Record, pp. 1357-1360.

†Motion for New Trial, filed June 5, 1953. See Transcript of Record, Supreme Court, October Term, 1953, No. 497, p. 11.

‡*Ibid*, pp. 35-36.

of outright fabrication, one may well repeat that any comparison finds the testimony of the Rosenbergs "plain, direct and simple," whereas that of the Greenglasses appears as "crooked, intricate, inconstant and a various thing."

vii

"Where one doubt exists, the common conscience of man would call the taking of life an injustice and defiance of decency and humanity."

— Petition for Executive Clemency, p. 22

It was near the conclusion of Julius' cross-examination that the prosecution put into operation a desperate maneuver to attack his credibility. The plan, though cunningly timed, was simple: It was to ask him whether or not he had visited a certain photographer's shop for the purpose of taking passport photos. When he would naturally reply in the negative, the prosecution would then present in rebuttal the passport photographer himself as a surprise witness, thereby delivering Julius a mortal blow as the dramatic climax to the entire trial.

However, as sometimes occurs with master strokes, this one boomeranged seriously against Saypol. For not only was his photographer's testimony proved perjurious by an FBI affidavit, but it was revealed testimony proved perjurious by an FBI affidavit, but it was later charged by the defense that there had been "official condonation of [the] false testimony."

cross-examination regarding the alleged passport photos: In May or June of 1950, did he have any passport photos taken at a shop at 99 Park Row? Did he remember telling the photographer at that address that he wanted the passports in order to go to France to settle an estate?

At this point in the record it appears that Julius sensed that Saypol had something up his sleeve. For with the mention of a location within walking distance of his home, it occurred to him he might have indeed been out with his family on one of their customary week-end strolls before this catastrophe had befallen them, and that another innocent event was being distorted into one of guilt — or consciousness of guilt — by reason of an alleged step in the direction of "flight."

Such strolls and such picture-taking, particularly of the boys Michael and Robby, were not infrequent occurrences with the Rosen-

made about the fearsome Atomic Age we were then the world was discussing the staggering destructive power of the very weapon David had described in his twelve-page article, which Ethel was typing at that very moment. And yet, to believe, here were these two couples peculiarly aware of the shaking secret, but not one reference was made to its military and political potential. Certainly, if Julius and Ethel had to have the bomb so desperately, they would not have made some political comment regarding its tremendous power.

In the *Columbia Law Review* examination of the Rosenberg case, its editors stop short, with typical legal neutrality, at the question: Which tale was the truth and which the lie? The court's withheld opinion can be detected in its emphasis on the obvious handicap the Rosenbergs were burdened with, namely,

"... the federal rule which permits a defendant to rely upon the uncorroborated testimony of an accomplice (which rule is added.)"

Explaining that this archaic rule, still bedeviling our Federal courts stems from the ancient English common law, the *Review* footnotes the following:

"... There was a greater incentive in those times [for a witness in turning King's evidence] not to attest to a false confession, involvement in judicial proceedings might eventually result in a battle, and the outcome of that conflict was generally the intensely religious people of the era to depend on the word of the accused. If the battle were lost, the falsifier was hanged because of his own confessed crime."*

And so, seven or eight centuries after such battles, "the battle," we see the spectacle of three young Americans, the means of an ancient ruling which did not even afford the protection offered in the common law!

Even if we weigh in the balances of judgment only the charges against the Rosenbergs, the weight of likelihood and credibility appears heavily in favor of the Rosenbergs. And when one adds to the scale the professed motive of hero-worship and his miraculous transformation into a candidate for nuclear studies, the belated introduction of the mysterious "Russian" and everything else we have found

**Op. cit.*, p. 233 and footnote 59.

berg family. It was one of the few indulgences they could afford and their snapshot collection of the growing boys had long ago overflowed the first album they had started. (Note: This fact accounts for the many pictures taken by the FBI from the Rosenberg home.) On the East Side of New York, on any pleasant spring or summer week-end, almost every street corner had its tintype "picture-man," and even in the neighborhood photographers' shops prices were as modest as the results. Hence, this was Julius' reply to Saypol's initial question:

[Julius]: Well, when I [would] walk with the children, many times with my wife, we would step in; . . . [or] we would pass a man with one of those box cameras and we would take some pictures. We would step into a place and take some pictures, and the pictures we liked, we would keep.

Seizing upon this "incriminating" admission, Saypol proceeded to build it up so that it would appear that Julius was admitting guilt:

Q. [Saypol]: What did you tell the man when you asked him to take those pictures in May or June, 1950?

A. [Julius]: I didn't tell the man anything.

Q. What did you tell him — at the time that you had the pictures taken?

A. What pictures are you talking about?

Q. [Saypol]: In May.

The Court: The pictures at 99 Park Row.

The Witness: I don't know if it was 99 Park Row. . . . I have taken many snapshots.

Q. [Saypol]: Passport pictures?

A. Not passport pictures.

Q. Did you ever tell anybody that you wanted pictures in order to go to France to settle an estate?

A. I didn't tell that to anybody.

Q. You don't recall it, or are you sure you never said that?

A. I am sure that I never said that.

Q. Where are the pictures?

A. If the pictures were good pictures, I kept them at home.*

Thus, despite Julius' insistence that the pictures he *may* have taken at such an address were harmless, each time Saypol mentioned "the pictures" they became "passport pictures." In addition, he would

*For Julius' cross-examination concerning alleged passport photos, see Record, pp. 1277-1280.

interject other questions concerning David's talk "about going to Mexico" and whether Sobell was "around" or not at the time. Of course, the net result of all this was serious damage to the defense.

On the very next day, when the photographer of 99 Park Row, one Ben Schneider, was put on the stand, the total effect of his testimony was that Julius had lied when he denied having taken passport photos there with his family.*

Of course, the maneuver was calculated to achieve a number of important objectives: (1) To relate Schneider's testimony to the sensitive question of "flight." (2) To corroborate Greenglass' charge that the Rosenbergs had also planned to flee and thus lend credibility to all the rest of the Greenglasses' testimony. (3) To lend credence to the prosecution's general charge concerning Sobell's "flight" to Mexico.

In short, Schneider's testimony was designed to be a "clincher" with the express purpose of giving the jury something tangible on which they might fasten a verdict of guilty with more conscience than they could feel with the unsupported testimony of Elitcher and the Greenglasses.

Unlike that of the rebuttal witness Evelyn Cox, the name of Ben Schneider had not been made known to the defense among the 102 persons announced originally by the prosecution. This was in clear violation of the statute which provides that all Government witnesses must be named *before* the start of trial.† Saypol's excuse was that the Government did not know of the existence of Schneider until the day before he testified.

In reply to the defense objection, Judge Kaufman sided with Saypol, finding refuge in a precedent which held that persons "not on the witness list" could be presented in rebuttal on such occasions when they were not known to the prosecution at the commencement of trial. Thus the constitutional safeguard that the accused must be apprised *in advance* of the identity of his accusers was technically evaded. Here is the substance of Schneider's direct examination on March 27:

That the very first time he had any knowledge that he was going to be a witness was at 11:30 A.M. on March 26, 1951, only the day be-

*With the testimony of Ben Schneider, we now come to the last of the prosecution's twenty-three witnesses.

†18 U.S.C., Section 3432.

fore his appearance in court. That on that morning two FBI agents (Roetting and Gallaher) had come to his shop at 99 Park Row to show him photographs of the Rosenbergs.

(Note: Let it be borne in mind that 99 Park Row is only a few hundred feet from the Federal Building itself. In a moment, we will discuss this fortuitous discovery of Schneider by the FBI, literally a stone's throw from their office, on the next-to-last day of trial!)

That while he, Schneider, had followed the trial in the newspapers and had seen many photographs of the Rosenbergs therein, he had never recognized them because these photos had shown only a "front view." However, the reason he could identify them from the FBI photos was that the agents had shown him "a front view and a side view." That he had told the FBI he was positive it was the Rosenbergs who had come to his shop, together with their two children, on a Saturday in May or June of 1950, and that they had ordered three dozen passport photos at a cost of nine dollars. That Julius, upon leaving the shop, had given the following reason for their trip:

[Schneider]: . . . They were going to France; there was some property left; they were going to take care of it; the wife — that is, his wife was left some property.

And finally, that Schneider had found the children to be "sort of . . . unruly," and because he was "afraid they would spoil or mess something up [he] told them to go out and come back in about 20 minutes to a half an hour."

Q. [Saypol]: Did you then deliver it [the photos] to Mr. Rosenberg?

A. [Schneider]: Yes, sir.

Q. *And is that the last time you saw him before today?*

A. *That's right.*

Q. Now when the agents came to visit you yesterday, did they show you photographs?

A. They did.

Q. Was it from those photographs that you picked him [Rosenberg] out?

A. That's right.

Q. And is it *seeing him here with his wife* that recalls it to your memory that they were the persons who came in?

A. That's right; that's right.* (Emphasis added.)

*For Schneider's direct examination, see Record, pp. 1424-1429; redirect: p. 1439.

Not until long after the trial, in fact long after the first appeal to the Circuit Court had been learned that Schneider's testimony was "steeply abetted by the prosecuting officials."*

It is a stroke of irony that Oliver Pilat, an agent of Saypol, should have been the negligent concealment of Schneider's perjury. This *The Atom Spies* was published in 1952 and came to the attention of Mr. Bloch:

"While Julius was still on the stand, at the courtroom a photographer from a stand who recalled somebody resembling me and with two wild kids, coming in for passport look at Rosenberg to be sure, and when I ded. He was the next witness, a devastated

The reaction of Mr. Bloch can be imagined. So — Schneider had been secretly to have Julius pointed out to him, and on of the identification! Then what was all Schneider being able to recognize the Rosenberg "front view" photos? And what about his repeated seeing the Rosenbergs in the courtroom on time which recalled them to his memory? That Schneider had not seen them since then. If Schneider had lied in denying he had seen to March 27, then could not one rightly conclude concealment of Schneider's secret visit to the court of his testimony was equally perjured?

Since Mr. Bloch was constantly helping help expose the frame-up, he immediately investigation of the incident with the object second appeal on behalf of the Rosenbergs. learned that the cat was out of the bag and charge of Schneider's perjury might involve it hurriedly had this particular agent probably would absolve the FBI, even if it did expose are the important passages of this affidavit sworn to and filed on December 1, 1952:

*Transcript of Record, No. 687, p. 87.

†Reprinted from p. 287 of Pilat's book as it appears in Record, No. 687, p. 86, with emphasis added.

g after the Rosenbergs' denied, did Mr. Bloch ed in fraud, aided and onfidential pretrial press igent one to expose the curred when his book d the following passage

FBI agent brought into op hardly a block away escription of Rosenberg, rt photos. He wanted to e took the look, he nod- ng one."†

l as he read this startling led into the courtroom y thus could he be sure this poppycock about rgs *only* from the "side d statements that it was March 27 for the first nd the sworn statement : previous May or June? en the Rosenbergs prior clude from Saypol's con- ertroom that all the rest

g for just such clues to moved toward a careful ct of including it in his When, however, the FBI , that Bloch's impending e the agent responsible, pare an affidavit which Mr. Saypol's hand. Here by John A. Harrington,

ears in the Transcript of the defense.

"I am a Special Agent of the Federal Bureau of Investigation. . . .
"On March 26, 1951, during the course of the trial . . . I was informed [by Special Agents Roetting and Gallaher] that they had located a photographer who had identified a photograph of Julius Rosenberg as a person whose passport photograph he had taken.*

"I communicated these facts to Mr. Irving H. Saypol . . . *who directed* that the photographer be brought to the United States Court House to confirm the identity of Rosenberg previously made.

"Shortly thereafter . . . I brought Mr. Schneider into Courtroom 110, to the fore part of the courtroom inside the railing where there were two vacant seats. I instructed Mr. Schneider to look round the courtroom and see if he saw anybody he recognized. I did not point out any specific person to Mr. Schneider. Mr. Schneider looked around and, when he saw Julius Rosenberg, he stated to me that that was the man whose pictures he had taken.

"At no time did I point out or in any other way indicate who was Julius Rosenberg or the place where he was located in the courtroom to Mr. Schneider. [signed] John A. Harrington"†
(Emphasis added.)

Thus the perjury of Schneider and the prosecution's knowledge of it become clearly apparent when we turn back to the last questions and answers:

Q. [Saypol]: And is that the last time [May or June, 1950] you saw him before today?

A. [Schneider]: That's right.

Q. And is it seeing him here with his wife that recalls it to your memory that they were the persons who came in?

A. That's right; that's right.

*Note: There is no explanation how Roetting and Gallaher made their curious last-minute discovery of Schneider. In the affidavit of Roetting he not only states that "this was the first occasion" he had ever laid eyes on Schneider, but also that:

" . . . so far as I know, no agent of the federal Government had interviewed him previously in connection with this or any related matter."
(Transcript, No. 687, pp. 148-149.)

†*Ibid.*, pp. 149-150: See full affidavit in Appendix 23.

And so, on Dec. 1, 1952, with Harrington's official exposure of the perjury, the reason for Schneider's nervous emphasis twenty months earlier ("That's right; that's right") became abundantly clear. Exposed, too, was the prosecution's underhanded violation of the Court's order directing all witnesses to be excluded from the courtroom except when called to testify. Nor does it exonerate the FBI as an accessory to the fact that it allowed Harrington to pass the blame to Saypol.

Be that as it may, the most significant disclosure in the affidavit is the prosecution's need to have Schneider see Julius in person before taking the witness stand. And this, of course, was Saypol's real motive in concealing Schneider's clandestine visit. For if this fact had been made known to the jury, they would have had to consider:

"Wait — here is a witness so uncertain of the identity of the person who took those passport photos that the FBI and the prosecution dared not risk a crucial test of identification made in open court!* And yet this witness claims to have *picked* Rosenberg out of the photographs which the FBI had shown him *before* he was taken secretly to the courtroom!"

To sum up the shocking extent of the Government's machinations in this instance: In the first place, there was the violation of the defendants' constitutional rights when Schneider was suddenly presented as a rebuttal witness without proper notice, thereby depriving the defense of a fair chance to investigate the possibility of his questionable background. Saypol's alibi on this point, so promptly accepted by Kaufman, leaves much to be explained. Second, there was the additional violation of the prosecution underhandedly defying the Court's order concerning the exclusion of witnesses. Third, there was Schneider's perjury. Fourth, there was the prosecution's there was Schneider's perjury. Fourth, there was the "knowing fraud upon the Court" as charged by the defense. And finally, there was the incontrovertible fact that Schneider was so doubtful about identifying the Rosenbergs, even after seeing their photos in the newspapers for weeks, and even after being shown front and side views of their photos, that their identification had to be prepared secretly *before* his trial testimony!

Returning to the affidavit, it is almost amusing how Harrington attempts to exculpate himself by repeating that he did not give Schneider the slightest indication of Julius' identity or the location where he might be sitting.

*Such a pretended test was made from the witness stand with Schneider going through the mock ceremony of pointing out Julius and Ethel, as though this were the first time he had seen them since they had been to his shop the previous year. (Record, p. 1428.)

In any event, according to his testimony, Schneider was shown a batch of front and side views of the Rosenbergs just an hour or two earlier. Moreover, Julius was sitting in the most prominent location in the courtroom on March 26, indeed, *on the witness stand itself*.

If we reconstruct the approximate time of Schneider's secret visit, which appears to have taken place soon after the start of the afternoon session, Harrington's strained efforts to keep his hands clean become obvious when we see that Julius was being identified by name every few minutes! For not only could Schneider hear Julius' cross-examination pertaining to the shop at 99 Park Row, but he could hear direct references to Julius such as:

Q. [Mr. Kuntz]: Mr. Rosenberg . . .

Q. [Mr. Saypol]: Now, Mr. Rosenberg . . .

Q. [Mr. Bloch]: Mr. Rosenberg . . .*

Little wonder, then, that Mr. Harrington failed to include the slight coincidence that the man he had refrained from pointing out as Julius Rosenberg chanced to be, conveniently enough, in such a position that Schneider would have had to be both blind and deaf not to be able to "confirm" his identity!

Since Schneider happens to be the *only* independent witness who provided any support to the Greenglasses' testimony, and since he filled so strategic a role in the prosecution's case, let us examine the other main points of his testimony.

On cross-examination it was Schneider's admission that he kept no negatives, no prints, no receipts, no books, no records, no sales slips;† in short, that he relied entirely upon his memory‡ and that there was *nothing* to substantiate that the Rosenbergs were indeed the persons he had photographed nine to ten months before.

On the other hand, although he claimed to have followed the case closely in the *Daily News*, the *Daily Mirror* and the *Journal-American*, and although he saw the Rosenbergs' photos reprinted in the newspapers frequently, we are asked to believe that they "didn't mean

*See Record, pp. 1281, 1282.

†In view of these admissions, one wonders how Schneider managed to satisfy the Internal Revenue Department regarding his income tax.

‡For Schneider's cross-examination, see Record, pp. 1429-1438; recross: pp. 1439-1440.

a thing" to him until the FBI came on March 26 and showed him front and side views of the Rosenbergs; and that it was "recognized them."

On direct examination, it had been Schneider's testimony that he remembered the Rosenbergs' visit so clearly because it was a day when he "usually" did not keep his shop open. Under cross-examination, this was flatly contradicted by the fact that he kept his shop open every Saturday for at least the year including May and June.

On direct examination, when Saypol inquired "do you do mainly?" the reply was: "Passport photographing." And yet, on cross-examination following when Mr. Bloch asked him to describe his shop:

A. [Schneider]: Well, the outside, I have a sign in the window, marked "Photographs, signs and photos."

Q. [Bloch]: Do you have in your window?

A. That's right.

Q. Do you have pictures of brides and grooms?

A. Yes, that's right.

Q. That is your advertising?

A. Yes, that's right.

Q. Do you have two signs in front of your shop, one with white lettering, called "Photos"?

A. That's right.

Q. Do you have any large sign on the outside of your shop, called "photos"?

A. Well, no. I haven't got that. (Emphasis added.)

Thus it was clearly demonstrated that Schneider's claim that he is a specialist in passport photos is belied by the fact that his shop would normally choose it for such a purpose. To satisfy himself on this point, this writer made a visit to Schneider's shop in August of 1954 and undertook the somewhat generous overt act of having one set of "passport photos" taken.

In approaching 99 Park Row, one finds a very narrow street no more than twelve feet wide, lying in the very heart of the Financial District among a row of small, run-down buildings that date to the last century. And although the shop is

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y narrow store front, y shadow of the Fed- uildings dating back as many crude signs

outside reading "PHOTOS," the only suggestion of any passport pictures is a very small sign buried deep within the window, reading:

"Chauffeur's Licenses
Passport Photos
Pistol Permits"

The interior of the shop awakens suspicion at first glance. For example, the entire fore part is bare except for an empty counter with empty wall shelves behind it. Upon inquiry of the original owner of the store, it was learned that Schneider had once employed a shoemaker in the front, while he ran his photo studio in the rear. However, as Schneider informed this writer, he has preferred to be alone for the past six or eight years — having let the shoemaker go because "pals" dropping in would "kid" him with remarks such as "Hey, Benny — how's about a shine?"

In appearance, Schneider is a man of about fifty-five with a pink face and baldish head surrounded by a reddish fuzz. This writer recognized him instantly from a previous description and inquired, "Mr. Schneider?" He replied, "No, Walters."

"But the pawnbroker down the street told me you were Schneider," this writer pointed out.

"Oh, did Davis — the fat fellow send you?" Apparently reassured, he then shrugged, "Okay, so I'm Schneider."

"Ben Schneider?"

"Sure — what's the difference?" he grinned.

On the walls were some stained photos of celebrities and prize fighters as they appeared some twenty years ago; also some fly-specked samples of Schneider's own photography.

In a small back room which was the studio and was not larger than nine by twelve there was a lighting arrangement of sorts consisting of four or five blackened porcelain sockets fixed to a dust-laden overhead standard, which seemed to contain the first Edison electric lamps. The tiny camera looked like something Brady would have regarded with skepticism back in the 1860's.

While this writer waited for the photos to be printed (three for one dollar), he asked if he might use the washroom. Whereupon Schneider suggested the tavern at the corner, since he was using his basin for his chemicals. About twenty minutes later, when Schneider emerged from the washroom with the prints, they were still damp and badly scratched. Certainly they did not seem to be the work of a professional. During this wait, this writer wondered how Schneider could possibly have completed the Rosenbergs' alleged thirty-six prints in "20 minutes to a half an hour," when it took him fully

twenty minutes to complete only these three prints! While it is true that this writer entered Schneider's shop with a preconceived opinion of this perjurer, there was precious little about him and his shop that tended to alter it. In any event, one thing is certain: It is just too incredible that the FBI detectives Roetting and Gallaher managed to find this *one* needle in the haystack of all the many thousands of photographers in the vast city of New York and, furthermore, that he was found so conveniently on the last day of Julius Rosenberg's testimony! Besides, the qualified wording of Roetting's affidavit, i.e., that "no agent of the federal Government had interviewed him previously in connection with this or any related matter," does not exclude the strong possibility that the FBI might have "interviewed" Schneider in the past on *other* matters.

Some final observations concerning Schneider's testimony: If Julius Rosenberg were really a Soviet spy-master, why would he choose precisely 99 Park Row — a photo shop so close to FBI headquarters — to place such a suspiciously large order of *three dozen* passport photos? Moreover, he is supposed to have done this in May or June of 1950. This was the period between Gold's arrest and Greenglass', or the time of Julius' greatest fear of surveillance! And why would a veteran spy find it necessary to give a false reason to a stranger as to why he was going abroad? Surely, the hundreds of thousands of tourists who travel to Europe each summer do not feel that necessity. Why, then, should Julius have given a photographer so close to FBI headquarters so colorful a story to remember him by?

And finally, why would a desperate spy risk the danger of exposing his flight plans at such a crucial time? If he was so proficient a photographer himself in microfilming, why could he not simply snap a few flash-bulb pictures of Ethel and the children and have Ethel snap his, and then develop them in the privacy of his own home? This would be something any novice could have done with materials purchasable at any drugstore. In fact, since Sobell had a 35-mm. camera and photographic equipment including an enlarger, why didn't Julius simply call on his services and thus eliminate every possible risk?

In his summation Saypol resorts to the most labored rationale to lend credence to Schneider's testimony regarding the three dozen photo prints. Asking the jury why was it necessary to order "more than one set of three pictures," Saypol offers the following explanation:

"... That in order to make possible this skipping furtively from country to country, forged and false passports are necessary, and

perhaps in perpetrating a forgery, a false passport, mistakes might be made, pictures might be mutilated, different passports might be required, depending on the route to be taken, the most felicitous route, one indicating the least possible likelihood of detection, and that is why I suggest you may *infer* more than the usual number is taken."* (Emphasis added.)

The absurdity of all this tortured speculation should be apparent on its very face. If a spy were going to order as many as thirty-six prints all at one shop, he would know it might invite suspicion and certainly be remembered! But why should Julius and his family need a forged passport at all? According to the Greenglasses' testimony, the Rosenbergs were going to meet them in Mexico. Since passports are *unnecessary* for Americans in entering that country, Julius could have simply traveled there with a tourist card. And in Mexico City there would have been no need of a forged American passport either, because if he were a Russian spy the Soviet Embassy could have given him a *Russian* passport.

The height of the absurdity is revealed in Saypol's final speculation about different passports for different escape routes. Why should Julius be uncertain about his own route, when it is charged that he himself had arranged both Sobell's and Greenglass' escape routes so precisely? And if we recall the Joint Report, there was only this one "standard escape route" for Julius to take via Mexico, *i.e.*, "Mexico-to-Czechoslovakia-to-Russia."

At the conclusion of Julius' redirect examination Mr. Bloch called upon the prosecution to produce the "batch" of pictures taken from the Rosenberg home by the FBI. Making use of even this formal request for a thrust, Saypol replied, "Do you mean passport pictures?"

While waiting for the batch of snapshots to be brought down from the FBI office, Mr. Bloch suggested to the Court that Julius be temporarily excused while he put on the stand his two other defense witnesses. The first was a Mr. John Gibbons, an employee of the New York *Herald Tribune*. His testimony concerned the authenticity of the photo of Harry Gold which had appeared in that newspaper on May 24, 1950. This was the photo which Julius was alleged to have shown David together with the clairvoyant warning that the FBI would make their next arrests on a day "between June 12th and June 16th." Since it had been Greenglass' testimony that he had

not recognized Gold from the photo, Mr. Bloch asked the jury how accurately it resembled Gold. The probable Greenglass' testimony had been, "After a minute or two of bickering by Saypol, he was excused."*

The other defense witness was Thomas V. Kelly, employed by R. H. Macy's legal division. He was requested by the defense, he had made an attempt to show Julius' purchase of the console table, but the photo of the 1945 had been destroyed after four years. He was excused.†

In the meantime the snapshots had still not been of interest of expediting the trial, Mr. Bloch suggested that Ethel Rosenberg take the stand, with the hope that Julius' testimony would be concluded as soon as possible.

(Note: Since we will take up the testimony of Ethel in a later chapter, it is best to delay discussion of the snapshots until the proper time.)

Finally, after some fifteen minutes of Ethel's testimony, snapshots arrived. When Julius resumed the stand, he offered them as "Defendants' Exhibit 1 in evidence." As expected, Saypol raised an immediate objection that Judge Kaufman, who had admitted into evidence every questionable item the prosecution had offered, had objected with this prejudicial comment:

The Court: I will sustain that objection. We are not interested in seeing a lot of snapshots that might have nothing to do with the case.

Evidently Judge Kaufman wanted to see only the snapshots, preferably "passport pictures." And since none of the snapshots were of the Rosenbergs and their children, and since Julius had everything to do with the case, it was clear that Kaufman's testy refusal was to prevent the visual confirmation of Julius' testimony.

On recross-examination Saypol asked his question and alerted the jury for it by repeating that

*For Mr. Gibbons' full testimony, see Record, pp. 151-152.

†For Mr. Kelly's full testimony, see Record, pp. 1299-1300.

‡For example: the piece of brown wrapping paper, the photo of console tables, the coin-collection can, the note, etc. See Record, p. 1308.

tion: "That is all — one question, if I may ask it." And when he was certain that the full implication of his query would not be missed, he asked:

Q. Is or was your wife a member of the Communist Party?

A. [Julius]: I refuse to answer on the ground it might tend to incriminate me.

Mr. Saypol: Very well, I don't intend to press it.

The Court: Wait a minute. You are not going to press for an answer?

Mr. Saypol: No, I don't think so.

The Court [to Julius]: You may step down. (Witness excused.)

It was a calculated bit of play acting between Saypol and Kaufman. One can well visualize the prosecutor's grand gesture as he declines to press the question *which he may not press*. Then follows the feigned surprise of Kaufman as he encourages Saypol to go on and press for the answer the witness *need not give* according to the Constitution. And finally, there is Saypol's theatrical shrug of dismissal meant to imply that it is hardly necessary for the jury to hear the answer, since it would only be equivalent to a clear confession of guilt.

Here, then, in this final moment before Julius left the witness stand, is revealed the essential strategy of the prosecution: To present the Rosenbergs and Sobell to the jury as Communists hiding behind the Fifth Amendment. It was this that was designed as the be-all and end-all proof of their guilt — their refusal to answer the hobgoblin question which had become the nemesis of our times:

"Are you or have you ever been a member of the Communist Party?"

*"For the source of the Fifth Amendment in 16th Century England, and the history of its operation in the United States, are milestones on the progress of the individual from ecclesiastical and political tyranny to the attainment of equal footing and protection under the law."**

IN the previous chapter reference was made to the fifteen-minute portion of Ethel's direct examination which was sandwiched in at the conclusion of Julius' cross-examination.† The direct examination was conducted by Alexander Bloch and, as it continued, it dealt with the facts of her birth, schooling, family, marriage, children, household duties and the purchase or borrowing of their furniture. But even at this early stage the defense was harassed by interruptions from Kaufman, slanted to create the most unfavorable inferences. This had already become evident when Ethel was asked to recall the purchase of the console table at Macy's.‡ However, it was the subject of Ethel's typewriter which Kaufman utilized to exploit the inflammatory issue of Communist Party membership.

Asked by the senior Bloch about her typing, Ethel replied that, while she had helped Julius with his business letters from time to time as well as with his reinstatement appeal to the Signal Corps following his dismissal, she had never at any time typed anything relating to the national defense. At this point, Kaufman again assumed the role of the prosecutor:

The Court: Did you know anything about the charges that had been leveled against your husband by the Government [the Signal Corps] in '45?

A. [Ethel]: Well, it was alleged that he was a member of the Communist Party.

*Arthur Krock in the *New York Times*, editorial page, Dec. 31, 1953.

†For Ethel's direct examination, see Record, pp. 1293-1307, 1310-1343; redirect: pp. 1398-1399, 1401.

‡Record, pp. 1297-1300.

The Court: Now, you typed the reply for him; is that right?

A. Yes.

The Court: And the reply which you typed denied that he was a Communist; is that correct?

A. That is correct.

The Court: And was that true?

Here it should be clear that Kaufman was seeking to trap a wife into testifying against her husband. Was Julius' reply to the Signal Corps in 1945 — that he was *not* a Communist — true or false? The question was entirely irrelevant to the issue of guilt or innocence of the crime of conspiracy to commit espionage, but Kaufman's tactic was to cloud this issue with the smokescreen of Communist Party membership. For no matter how Ethel might reply, Kaufman knew the result would be injurious.

If she insisted that Julius' statement to the Signal Corps had been the truth — that he was *not* a Communist — then she would be not only battling the present case but also taking on an additional contest with the FBI. False affidavits or testimony from professional informers could readily be produced stating that Julius had lied about his party membership in 1945 and, therefore, was little deserving of credence now in 1951. On the other hand, she could not very well reply that Julius' statement to G-2 had been untrue when he was *not* a Communist. Finally, if she sought protection against self-incrimination in the use of the Fifth Amendment, Judge Kaufman could again indicate in a sarcastic aside to the jury, "It seems to me I have been hearing a lot about that."

Thus, when the defense objected and raised the question of the witness' privilege, Kaufman's purposes were suited admirably. For he knew that the instant Ethel exercised her privilege it was akin to pleading guilty in the eyes of the jury. Here is the record, as he adroitly pushes her in this direction:

The Court: . . . Now we have the question of privilege.

Mr. Saypol: She hasn't asserted it, if the Court please.

The Court: I know she hasn't. Do you want to hear my question read back?

The Witness [Ethel]: Yes.

[Clerk reads: "And was that true?"]

A. [Ethel]: Was what true?

Q. [Kaufman]: The statements which you made were not a Communist?

A. . . . I refuse to answer on the ground of privilege.

The Court: All right.

Actually, it was a choice between Scylla and Charybdis. Ethel's only way to avoid the danger of testifying against Julius was in the Bill of Rights. With the latterly condemned as a veritable symbol of the American dream, it is not at all difficult to see why Kaufman's tactic of parent satisfaction: "All right."

ii

"To everything there is a season, and a time to be silent, and a time to speak."

Should one wish to isolate the chief reason why one may safely venture that it was a consistent violation by Saypol and Kaufman, laid down by the Supreme Court on the subject of the Fifth Amendment:

"In the Federal courts . . . the law is not to be made from a claim of the privilege . . . and no one can make any adverse comment upon the fact that a witness has invoked the Fifth Amendment, because the witness is given a choice between a verbal confession of guilt and the privilege."

And yet, despite this Supreme Court ruling, Ethel's cross-examination consisted of a position before the Grand Jury, with the aim to produce the inference of guilt.† To the fact of her arrest in August, 1950, we recall her confession of "crime" of having signed in for the Communist Party candidate, (

*See article, "Does Silence Mean Guilt?" Librarian of Drake University, and Norman Bar, *The Nation*, June 6, 1953. (See also Record, p. 1566.)

†For Ethel's cross-examination, see Record, 1401-1402.

typed, that he is self-incrimination.

Charybdis, because against herself and Amendment populace and hammer, it ended with such ap-

chione. Now, at the trial, although it could have no possible bearing on the question of espionage, this petition was permitted into evidence as Government Exhibit 31. To borrow the phrase from Alistair Cooke, it was a perfect illustration of how a possible "old sympathizer" of the 1940's was turned into "an old spy" in the 1950's.

Following the entry of the 1941 nominating petition into the record as evidence, Saypol began pounding away at Ethel's use of the Fifth Amendment before the Grand Jury in this manner:

Q. [Saypol]: Did you tell the grand jury in response to the question, "Did you ever sign a Communist Party nominating petition for elective office? A. I did sign a Communist Party petition."

Was that the truth?

A. I refuse to answer on the ground of self-incrimination.

Certainly, it was the truth that she had signed the petition. Saypol had just submitted it in evidence with her signature right on it! Moreover, Kaufman, only a moment before, had concluded a colloquy between Saypol and Bloch by addressing the witness directly on this point:

Q. [Kaufman]: Let me ask you this: Did you tell the grand jury the truth and the entire truth when you testified?

A. [Ethel]: Yes.*

What then was the purpose of all this repetition of the Grand Jury minutes by Saypol? Was it to shed light on the alleged operations of Ethel's participation in the spy ring from 1944 onward? Did the 1941 nominating petition legitimately serve as a connection between her alleged crimes and her "intent" to commit such crimes? Of course not, since it would be a mockery of the fundamental right of citizenship — the right to nominate a candidate of one's own choosing. The purpose, quite clearly, was to fasten the label of "Communist" on the witness and to keep it ever present before the jury, until they became so numb with its repetition that each additional mention would echo in their minds: "Communist — Guilty! Espionage — Guilty! Treason — Guilty!"

To sum up the totality of the prosecution's case against Ethel Rosenberg, it was: (1) the unsupported charges by the Greenglasses that she had helped enlist them and had later typed David's two

*Record, p. 1352.

reports.* (2) Proof of "intent" was established by her admission that she had signed a nominating petition for a Communist candidate ten years earlier. (3) That by virtue of having exercised her constitutional privilege she was a "Fifth Amendment Communist," and as such was potentially inclined to commit treason, or as the McCarthy-Cohn formula has it, was "part of the conspiracy to destroy this country."

It is a sad commentary on the state of the nation's moral health that such a storm of editorial and individual opinion has arisen against the abusive use of this formula by political adventurers like McCarthy, whereas its use as a device to effect the conviction and executions of the Rosenbergs still meets with so much silence.

At the very end of Ethel's recross-examination Saypol resorted to a well-worn trick used by prosecutors when their evidence is weak and insufficient: That of smearing the defense attorney as the Satanic influence responsible for the accused's refusal to confess guilt. Leading into the smear with a question concerning what advice Mr. Bloch had given Ethel just prior to her Grand Jury appearance, Saypol concluded with this final query:

Q. [Saypol]: Were there any other questions you were afraid of or apprehensive of when you talked to Mr. Bloch? Did you tell him about any other crime?

And here, in Ethel's reply, are her last words to the jury:

A. [Ethel]: No crime that I could have committed because I didn't commit any.

Whereupon the witness was excused and Emanuel Bloch arose to announce:

"Defendants Julius Rosenberg and Ethel Rosenberg rest."

A moment later Mr. Kuntz arose in behalf of Sobell and indicated that his client would not take the stand:

"... If your Honor please, the defendant Sobell desires to rest on the record."†

*Note: These charges have been fully covered in Chapters 15 and 17. Every additional point in the *Columbia Law Review* summary regarding Ethel has been covered in Chapters 18 and 19.

†Note: The decision of Sobell's attorneys not to have him take the witness stand was based on the prosecution's lack of evidence, since the only testimony against him came from the admitted perjurer Elitcher, who, ac-

on ... a time to keep

- Ecclesiastes III: 1. 7

Ethel's conviction, ly through the per- "no-inference rule" Fifth Amendment:

o inference of guilt court nor counsel practical matter, to e protection of the ld then be merely d a silent one."*

he greatest part of her Fifth Amend- question calculated Jury, just prior to had already con- minating petition cilman Peter Cac-

† B. Frantz, Law mber of New York charge to the jury,

† recross: pp. 1400,

iii

"I charge you further that no inference is to be drawn against any defendant who has exercised his or her constitutional privilege against any matters which may tend to incriminate him or her."

— "Charge of the Court," Record, p. 1566

In the three-week period of the trial the jurors had heard tens of thousands of words concerning the defendants' alleged membership in the "Communist International Conspiracy."

(Note: No one can estimate how much of this subject the jurors heard on their radio and television sets, or read in their newspapers during this period.)

In page after page of the record there stand Kaufman's almost countless intimations, insinuations and innuendoes concerning the Rosenbergs' political beliefs and affiliations. In page after page one can read Kaufman's disparaging comments and derogatory remarks about Ethel's taking of the Fifth Amendment.

What, then, shall one say to the unparalleled hypocrisy of the charge quoted above, or a previous one in which Kaufman cautioned the jury that they were "not to determine the guilt or innocence of a defendant on whether or not he is a Communist"?

According to the *Columbia Law Review*, was "hoping for non-prosecution." Since this was so, the *Review* concluded on this point that Elitcher's "testimony ought not to be given much weight." (*Op. cit.*, p. 237, footnote 89.)

In addition, Sobell's attorneys believed the jury would recognize that, since no atomic espionage was charged against Sobell, the joint trial placed an unfair burden on him. That they exercised wrong judgment, considering the temper of the times and the natural prejudice of the jury, has been the hindsight opinion of many in the years of Sobell's frustrated efforts to win a new trial.

It has been felt that it would be to Sobell's advantage today if he had firmly denied Elitcher's accusations from the witness stand, even though he was not required by law to establish innocence.

While it is highly doubtful that it would have made any difference to the trial jury, there is considerable opinion that it would greatly have benefited him with the public and the higher courts.

In any event, it is his determination to take the stand in a new trial, and in his affidavit to the Court of Appeals requesting a new trial he clearly states the facts which motivated his acceptance of his attorneys' decision. (See Sobell's affidavit from Transcript of Record, pp. 7 and 8, Supreme Court of the United States, October Term, 1953. See also Appendix 14.)

In the political atmosphere of March, 1954, to matize the defendants, and then to expect the unprejudiced trial simply because the judge could look the stigma which he himself has affixed. It is an abomination of evil in every Biblical sense. Even the Court of Appeals, in its thinly veiled man's prejudicial conduct, found occasion in Jackson's famous statement:

"... It may be that such warnings [to the jury] are an empty ritual without any practical effect."

In actuality, the effect of Kaufman's lip service was almost as though he had winked at the jury during the ritual, or had whispered to them from the bench: "Never mind these perfunctory charges. I've got so that their lawyers don't upset the apple cart if reversed in an upper court. Just legal hocus that's all."

It was in this spirit of "We'll show these fellows" that the trial ended, appropriately enough, with the Ben Schneider as the final rebuttal witness. A new atmosphere that the case of the United States vs. Rosenberg, et al., was given to the jury.

Reduced to its simplest terms, it was the case of Rosenberg, and Elitcher versus Sobell. As for independent corroboration of the Government's case, nothing for the jury to consider. It was merely three self-entrapped persons sponsored by the Government, the word of three others who refused to "cooperate" with the government in pleading guilty. This was the Rosenberg-Sobell case as the jury took it.

*Record, p. 1656. For Justice Jackson's full statement, see 336 U.S. 440 (1, 1650).

"I'll Be Judge, I'll Be Jury"

51, to repeatedly stigmatize to obtain a fair and directs the jury to overlook, is beyond hypocrisy. I sense of that phrase. I led criticism of Kaufman quote from Justice

jury] are no more than on the jurors."*

vice to a fair trial was each time he repeated: corner of his mouth, not to read them to you but by having the trial focus for the record;

"Communists" that the perjured testimony of and it was in this omits against Julius Ro-

greenglasses versus the concrete evidence or his case, there was just the word of these: Government against "perjure" with the Government and substance of the from the Court.

ent, see Krulwich v.

*"I'll be judge, I'll be jury,
Said cunning old Fury:
'I'll try the whole cause and
Condemn you to death.'
— Alice in Wonderland*

ON the day of the summations the courtroom was jammed for the final act of the drama. According to observers, some of the spectators seemed to attach themselves to the case as they might to some club project. Some had attended the trial so regularly that they developed friendships, not only among themselves but also with the court guards. Few of them appeared to regard the defendants with any overt signs of violent hatred as the trial progressed. But, on the other hand, their very detachment seemed to chill the atmosphere.

On the final day, however, apparently sensing the note of doom in the atmosphere, their antipathy became noticeable. Overheard in the corridor before court convened was this conversation:

First Woman: "Do you know a nice place nearby where we can have dinner tonight while the jury is out, so we can be sure to be around for the verdict?"

Second Woman: "Of all the days for the trial to end! I have tickets for 'South Pacific' after waiting for months. Now I don't know what to do; whether to go to the show or to wait for the verdict."

One man, nodding familiarly to one of the guards, made a brushing movement with his hands, saying, "Well, today we finish 'em off!" And as the Rosenbergs were led into the courtroom and Ethel was seen to say something encouraging to Julius, a woman turned to her companion and said, "Look at her smiling, the bitch! I wonder if she'll smile while she's hanging."

On the other hand, according to observers, there were some who were sympathetic to the defendants but who did not dare to indicate this generally by voice or manner. In fact, as later became known, thousands who were deeply troubled by the trial and its implications reacted no differently than the Rosenbergs' friends and relatives.

They remained away from the trial simply because of fear and the reluctance to face a harrowing emotional experience. After the sentences, however, many could no longer keep silent. Here are some excerpts from a representative letter received by the *National Guardian*, published on April 18, 1951:

"Press and radio seemed to break out in chortles of glee at the death sentences. . . . I am sure that attitude is not shared by most thoughtful Americans. I must believe that my own sense of shock is echoed in other hearts. Can we sit back and let these two young parents, tried in an atmosphere of hysteria, die — when concurrently the murderers of Malmédy . . . and dozens of other Nazi criminals found guilty of wanton torture . . . are set free . . . ?

"Can these phenomena plus the witch-hunts, the attacks on all who act for peace . . . the intensification of jim-crow and anti-Semitism, the drive to militarism and war, be the expression of the desire of the American people? It cannot be so. Let the people speak.

Lillian E. Reiner,
Syracuse, New York."

ii

"The discretion of a Judge is the law of tyrants; it is always unknown. It is different in different men . . . in the best it is oftentimes caprice; in the worst it is every vice, folly and passion to which human nature is liable."

— Sir Charles Pratt, Earl Camden

During his summation Emanuel Bloch placed his main emphasis on the most obvious motive for the Greenglasses' false testimony, their desperation to "put the finger" on anyone in order to win salvation for themselves. And that the principal reason Julius Rosenberg became their luckless "clay pigeon" lay in the fact that he happened to have been "fired from the Government service" and because:

[Bloch]: . . . he was a guy who was very open and expressed his views about the United States and the Soviet Union, which may have been all right when the Soviet Union and the United States were Allies, but today it is anathema. . . .

Exploring another facet of the case, Mr. Bloch pointed out that it was the most natural thing for Ethel to prevail upon Julius to help "her kid brother, David" at a time when he had become terrified of arrest because of his uranium theft and the temper of the times:

[Bloch]: . . . And when Davey came around and said he was in trouble, like a schnook — that is a Jewish word; it means this — I am trying to get the exact translation — well, a very easy-going fool. He [Julius] goes to his doctor to try to get a false certificate for Davey.

The Court: Is the word stooge what you are looking for?

Mr. Bloch: Stooge? Stooge.*

Perhaps nowhere in the record is there a more malicious thrust than this from Kaufman. Mr. Bloch had already found a fair translation, although a better one, according to the experts, might have been a good-natured "chump." In any event, an "easy-going fool" served well enough to paint the picture. But Kaufman interrupts with the highly damaging word "stooge," which commonly means: "Confederate or partner . . . team-mate . . . collaborator . . . accomplice."†

The incident is but another example of Kaufman's crafty hand used so expertly throughout the trial. Not only was the thrust designed to damage whatever salutary effect Bloch's summation might have had on the jury up to that point, but the interruption was further calculated to throw him off balance and rattle him so that he could not conclude effectively. (Note: Observe Bloch's momentary shock when he repeats: "Stooge? Stooge.")

All through the trial, and also at the hearing on the motion to reduce sentence just before the executions, Kaufman's Machiavellian talents were noticeable.‡ Whenever he had the slightest opportunity to do so he managed to exacerbate the defense by tossing in some remark that would humiliate, ridicule, confuse or throw them off balance, so that at times it was all they could do to keep their minds on the particular point they had started to make. When it was not unconcealed hostility, it was open sarcasm, restless rocking in his seat, tiresome yawning and various other facial expressions signifying disbelief.

Since this prejudicial behavior is not indicated parenthetically in the record, it should be emphasized that Kaufman's instruction to the jury not to form any adverse opinion one way or another because of any remarks he might have made or attitudes he might have dis-

*Record, pp. 1475, 1478.

†Berry and Van den Bark, *American Thesaurus of Slang*, Crowell, New York, 1942. Sections 440:4; 461:35.

‡The hearing of June 8, 1953, which this writer attended. Following this hearing, Dr. Urey, who was present, described Kaufman's conduct as, among other things, "incredible."

played was nothing but empty ritual. The real Chapter 11 the dictum of the Supreme Court truly interested in seeing that justice is done should

" . . . He must not take on the role of a painter enter the lists; he must not by his ardor induce in a hue and cry against the accused. Prosecution are two quite separate functions in the administration they must not merge."

As indicated a moment ago, Mr. Bloch's summain effort the exposure of the actions, reaction interest and rationalizations of the Greenglasses might fully understand the reasons why they have. In fact, the greatest part of their cross-examinations. In fact, the greatest part of their cross-examinations this direction.

In the Charge of the Court, it is the duty of the judge to give the jury a summary of the two sides of the case himself expressed it:

"I believe it is my duty as a Judge to help you understand the respective contentions and evidence. I shall therefore review briefly these contentions of the prosecution and of the defendants."

Despite this declaration, Kaufman gave the prosecution three times as much space as those of the defense in order to cover this one-sided presentation, he gave

"You have heard their [the defense's] summary. I will not discuss their contentions further."

If Judge Kaufman was at all sincere, why did he turn with the prosecution's side by saying that the jury should pay attention to Saypol's summation? However, this prejudicial fense was a minor matter compared to the contentions of the Greenglasses' chief motive.

[Kaufman]: . . . And that any testimony against them [the Rosenbergs] is due to the fact that the Greenglasses while in business together for an unknown reason. (Emphasis added.)

Unknown reason! But the major theory of the case is explained in painstaking detail, not only during the trial but also in the record.

*Compare Record, pp. 1554-1560, with pp. 1561-1562

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cross-examination¹ and not only in Bloch's summation, but in the latter's "Requests to Charge."² Over and over again Kaufman had been requested to instruct the jury that the Greenglasses were alleged accomplices and co-conspirators, and that therefore their credibility must be scrutinized with the utmost care, caution and *suspicion*.

According to the law, these instructions were mandatory upon Kaufman. It was his duty to instruct the jury that they were to take into consideration the *self-interest* and *motive* of the witness in determining credibility, i.e., the determination of Ruth Greenglass to win immunity from prosecution and that of David to win a light sentence. Hence, for Kaufman to misrepresent this basic point as an "unknown reason" was definitely a prejudicial act. In this regard, the courts have ruled emphatically:

"It is not sufficient that an instruction be so drawn that a jury may reach the right conclusion, but it is required that it be so framed that a jury may not draw the wrong conclusion therefrom."³

Following the Charge of the Court, Mr. Bloch took immediate exception to this dereliction of duty, but this was Kaufman's tentative reply:

The Court: I refuse to charge in the very language that you asked for. I have covered each one of these subjects in my charge.

Study of the record shows this statement to be another quibble. Only a brief mention was made of the accomplice testimony of Gold and the Greenglasses. However, the key word "suspicion" was omitted from Kaufman's instructions. Instead, he almost gave his seal of approval to their testimony as he concluded:

"In the Federal Court a defendant can be convicted upon the uncorroborated testimony of an accomplice whose testimony satisfies the jury of the defendants' guilt beyond a reasonable doubt."

In short, the logic of the customary instructions on accomplice testimony was shrewdly *reversed* by Kaufman. Instead of beginning with this last point and then adding "but you must regard such testimony with the utmost care, caution and suspicion," he not only used the Federal statute to endorse the Greenglasses' testimony but he never

*These covered no less than nine items: Nos. 33 to 41 inclusive. (Record, pp. 1541-1542.)

³Miller v. U.S., 120 F. 2d 968, 972 (C C A 10th, 1941).

even mentioned *the major defense contention that they had lied in order to save themselves*. And a moment later, when he was again requested to do so by Alexander Bloch, he replied testily:

The Court: I said, "And for other reasons." I did say that.

Mr. A. Bloch: I know, but I would like to have it expressed.

The Court: No, I will not add to it. I think I said to the jury that I am only covering certain portions.

It must be noted that the above colloquy was held at the bench and "outside the hearing of the jury," so that it did not even have the benefit of the defense's argument. Nor was the press able to hear Kaufman's impatient tones as he snapped at the defense:

"Make it quick. . . . I want to send this jury out right away."⁴

According to the New York *Times* of March 29, 1951, Kaufman had spent on his charge to the jury approximately 12,000 words. In view of this, certainly his haste to get to the verdict and cut down the defense's exceptions to a bare four or five minutes gives little proof of an impartial and fair-minded judge.

It is precisely this rigidity that gives us insight into the warped mind of this judge who was so eager to get to the verdict (and death sentences) that he could not abide another moment's delay. So determined was he that the jury convict that he was afraid the slightest demonstration of generosity might transmit itself to them. Thus, even when his error was pointed out — that he had minimized and distorted the defense's entire case with his befogging phrase "or for some other unknown reason" — he could not bring himself to set aright this piece of mischief.

iii

"No one is ever innocent when his opponent is the judge."

— Lucan: Pharsala

What is most terrifying to contemplate about a man like Kaufman is the immense power he wields over the life or death, liberty or freedom of any person so unfortunate as to be brought before him. Let us not forget that his background in the courts was never that of a champion of the wronged, but rather that of a prosecutor with

⁴Record, pp. 1567-1569.

all the monomania for conviction we have studied in the statement of Mr. Brennan, the prosecutor in the Mooney-Billings case. Where the trial is by jury, the Federal law does not permit a higher court to pass on the credibility of the witnesses. The higher courts may consider only judicial error. Hence, if the trial judge is wily enough to observe the letter of the law (while ignoring its spirit) and utilizes every means at his command to influence and bend the jury to a verdict of guilty, the result is the achievement of almost supreme power. Only the President of the United States can set aside a sentence in a Federal court.

Small wonder, then, standing at the threshold of international and historical fame (or so he hoped), that Judge Kaufman was so determined to let nothing jeopardize this power, *even if it meant prejudicing the jury's deliberations!* Here is what happened at a critical point after the case had been given to the jury:

It was at 4:53 o'clock that the jury commenced its deliberations. After taking about an hour for dinner at a nearby restaurant, they returned to the jury room at 6:08 P.M. About two hours later, shortly after 8 o'clock, the jury sent in a note requesting that the testimony of Ruth Greenglass be read to them, beginning at the point of the Rosenbergs' alleged spy proposal and ending with David's "first furlough in January 1945."

Although this request was received in the judge's chambers, the court stenographer was called in together with opposing counsel and the proceedings were made part of the record.* Here is what took place as Kaufman turned to the stenographer's transcript to refer to the requested testimony:

Mr. A. Bloch: I think that covers quite a bit. It goes to conversation before she [Ruth] went out West; conversation she had with her husband out West and also cross-examination on that point.

Mr. Lane: And the conversation she had when she came back from the West, and conversation as she testified to.

So far, we see Saypol's chief assistant Lane taking for granted that the jury's request *included* cross-examination as well as direct. But Saypol, apparently more attuned to working with Kaufman, promptly interjects:

Mr. Saypol: I don't think they have asked for any cross.

And directly Kaufman picks up the cue to repeat:

The Court: They haven't asked for the cross.

*Record, pp. 1570-1573.

Since none of the jurors was trained in how to ask for a particular subject matter, rather than specifying a particular line of examination. If he were at all fair and impartial, he would have said as much to Saypol and there could have been no objection. But the jury's request evidently disturbed the court to some extent.

For it was instantly clear to him that at least one juror must be troubled by serious doubts if they had not been satisfied by Ruth's alleged swift compliance with the court's request as well as David's unexplained overnight agreement.

Only the telling cross-examination of Ruth Greenglass by the jury to single out this portion of her testimony should be specially reviewed.

Hence this request, reflecting perhaps a desire to get into the jury room, might very easily result in a hung jury!

And so we find Kaufman maneuvering to get the information it really needed in order to read the record intelligently. Here are his further remarks, Bloch, realizing what Saypol and Kaufman were doing, the page where the cross-examination comes.

The Court: I am not going to read the testimony if they request it.

Mr. A. Bloch: Well, I think when they ask for it means all the testimony on the subject.

It was a simple reply and much too reasonable to contest directly. For how could he really get the testimony they had asked for, and *only* the testimony favorable to the prosecution? Hence we find that we shall soon see, pretending to compromise.

The Court: We will start reading at then [finish] over here at [page] 982.* when we get finished [with the direct examination] is what they want.

However, the defense was not so readily taken in.

*The above folios of the stenographer's transcript pp. 678-685.

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Mr. A. Bloch: Will you ask them whether they want the cross?
The Court: I won't put it in their mouths, but I will ask them
whether there is anything else they want.

Mr. A. Bloch: I think if you give them the direct, you ought
to give them the cross. That is the whole testimony on that topic.

The Court: The jury is intelligent. If that is what they want,
they will ask for it.

Mr. A. Bloch: They might not think [remember] there is any
other testimony on that subject.

The Court: I am going to handle it in that way.

Mr. Phillips: Two testimonies go together. They didn't ask for
the pages, they asked for the testimony.

And so we see, as the jurors "took their seats in the jury box, at
8:15 P.M.," Judge Kaufman's clearly stated promise that after read-
ing the direct examination he would ask them "whether there is
anything else they want." But here is what happened after the direct
examination had been read:

The Court: Have we read what the jury wanted?

Jurors: Yes.

The Court: Very well, the jury may retire.

It would be difficult to believe this display of deceit were it not in
cold print. It is only fifteen minutes or less since Kaufman has given
his promise, and yet, here he is retiring the jury, without even allud-
ing to the vague phrasing he has just *agreed* to put before them. Now
Emanuel Bloch rises to state formally:

Mr. Bloch: If the Court please, I make the request that the
stenographer also read the cross-examination of Ruth Greenglass
on this specific point —

Once more Kaufman has the opportunity to give the jury both
sides of the testimony, but this is precisely what he is determined to
prevent! * Instead, he quickly interrupts and strives to gag Mr. Bloch
before the jury will realize just what is going on:

The Court: Your request is denied. That has not been re-
quested by the jury. The jury will retire. We will give the jury
exactly what they request.

*We recall his charge: "I believe it is my duty as a Judge to help you
crystallize in your minds the respective contentions and evidence in the
case. . . ." (Record, p. 1554.)

Mr. Bloch: I respectfully except.
(Whereupon the jury retired from the courtroom at 8:30 P.M.)

Need one comment on this scene which speaks so plainly for itself,
except to marvel at the unmitigated gall of this perfidious little Tar-
tuffe who dared to say in his sentencing speech, "Justice does not
seek vengeance. Justice seeks justice."

iv

*"Then went the jury out, whose names were Mr.
Blind-man, Mr. No-good, Mr. Malice, Mr. Love-
lust, Mr. Live-loose, Mr. Heady, Mr. High-mi-
Mr. Enmity, Mr. Liar, Mr. Cruelty, Mr. Ho-
light, and Mr. Implacable. . . ."*

— John Bunyan, Pilgrim's Progress

On that Wednesday night, the 28th of March, after six hours and
thirty-two minutes of deliberation, the jury failed to reach a verdict
by 12:35 A.M. and so was "locked up" for the night in a midtown
hotel. It is perhaps meaningful to note what front-page headlines
they may have read before retiring. Here are a few conservative il-
lustrations from the New York Times of that day:

"ACHESON EXHORTS AMERICAS TO MEET
SOVIET PERIL NOW"

"TENSION IS GRAVER THAN IN NOVEMBER,
MARSHALL'S BELIEF"

"U.S. POWER MUST 'FRIGHTEN' ANY ENEMY,
WILSON ASSERTS"

On an inside page there was this little bedtime story:

"DANGER OF ATOM BOMB ATTACK IS GREATEST IN
PERIOD UP TO THIS FALL, EXPERT ASSERTS"

And on the next morning, Thursday, it is quite possible that with
their breakfast some of the jurors read these headlines in the New
York Times, naturally having first averted their eyes from the head-
line which referred to them as the "SPY JURY":

"EAST BERLIN [RED] POLICEMEN FIRE VOLLEY
AT 4 U.S. ARMY SIGHTSEEING BUSES"

"RED CHINA REJECTS M'ARTHUR'S OFFER
"Radio Exhorts Troops to Take All of Korea"

And on various inside pages these gentle eye openers:

**"BONN HAILS RELEASE OF [WAR-CRIMINAL]
VON FALKENHAUSEN"**

"[JOSE] FERRER DENIES HE IS RED

"Actor Offers to Cooperate with House Hollywood Inquiry"

At 10 A.M. the jurors returned to the jury room. It may be appropriate here to dwell briefly on what the outlook of such a jury may have been, deliberating on such a case at such a particular moment in the frenetic history of our times.

There they were, these eleven men and one woman, whose backgrounds are quite clear and whose points of view we can safely estimate. For one thing, they were no different from millions of other bewildered Americans. Certainly, they were sensitive to the high stakes involved in this momentous case. The newspaper headlines and radio commentators had made that as abundantly clear as had the Court.* Should they decide in favor of the defense, they would in effect be condemning the United States Government together with its Department of Justice, J. Edgar Hoover and the FBI. On the other hand, a verdict in favor of the Government would be a patriotic blow to those who were coddling Fifth Amendment Communists and a warning to future traitors. Obviously, there was little choice.

To be sure, none of these pros and cons rightly concerned any of the jurors, for their one and only responsibility was to weigh the facts. Was there a crime committed or was there not? But it was also a fact that if they acquitted these defendants they would be joining forces with the "enemy." Would it be "American" to tell the world that FBI-endorsed witnesses such as Gold and Bentley were unworthy of belief? If they found Bentley's testimony about her telephonic "Julius" incredible, then they were challenging *all* her charges against the thirty-odd "Communists" who had infiltrated the highest agencies in Washington, such as Alger Hiss and William Remington. And how could they possibly separate Gold's Jello-box visit to Greenglass from the now "official" story of how the Russians had stolen the A-bomb via the Fuchs-Gold-Yakovlev spy ring? Could any one juror dare to stand up and say:

"Well, I can't prove it, but there's something that smells fishy here. The FBI, of course, would never do anything wrong — and I believe all this and that about Bentley being a Red Spy Queen and Gold be-

ing in cahoots with Fuchs — but I don't like the way they've dragged in 'Julius' meani-

And what about the possible fate of an held out for acquittal on the basis of the a split verdict? Would he not be instantly umnist," one who had been "planted" c stab in the back? Would it not be akin to maiden" of the Communists? Would it economic and social disaster? Would it be and relatives to be made into a social leper the effects of the ostracism, the pointing street, in the classroom, in the neighborbo the club, all of which were certain to foll

And yet how could one convict this wi dren, Mrs. Rosenberg, whose guilt was ce of her husband? Or the third defendan whom there had appeared only *one witness espionage*? Was it possible to acquit thes first place, it was not their duty to decid would be done by the judge in determi minded them frequently, even at the sta was not to concern itself with the sente tasteful" their verdict might be.†

In the second place, the entire case wa pendent. If Julius was guilty, so was Et (gree), and if Elitcher was telling the tri he must be telling the truth about Sob was all or nothing.

To expect the Rosenberg-Sobell jury to they did would be as unrealistic as exp Holy Roman Inquisition to disregard th quisitor when Bruno was tried for her demned to burning at the stake.

Wherever the jurors glanced in that co reflected. They saw it in the hardened ex in the cynical shrugs of the newspaper of the FBI men seated at the prosecution

*In his charge Kaufman had placed special emphasis on the presence of "a state of tension," a prejudicial error that was objected to by the defense. (Record, pp. 1550, 1568.)

*This phrase was hurled at his fellow Repul during the censure debate in 1954, but it is s phrases would have been employed against height of the Korean War.

†Record, p. 57.

e that and this about Julius Rosenberg."

juror who resolutely alone and thus caused pronounced as a "5th Col- e jury for just such a iding oneself a "hand- e a clear invitation to to one's children, wife ring down upon them ger, the gossip in the store, in the office, in

id mother of two chil- ly not so great as that lorton Sobell, against id no charge of atomic o? No. Because, in the e degree of guilt; that sentence. He had re- the trial, that the jury , "no matter how dis-

tertwined and interde- no matter to what de- about Rosenberg, then and so there again it

e acted differently than ig the members of the mands of the Chief In- n 1600 A.D. and con-

om they saw their duty sions of the spectators, rters, in the cold stare le and in the very pres-

n Senators by McCarthy o venture that less polite onforming jurors at the

ence of the officials of the Atomic Energy Commission sitting side by side with Saypol and his staff. But, above all, they saw it mirrored in the eyes of Judge Kaufman, whose every action, nuance, tone, gesture, innuendo and hint had dictated the inevitable verdict from the first day of trial.

What was expected of them was all too clear. It was quite unnecessary to have it all spelled out in a specific command from the bench to tell them where their duty lay. Place a glass of milk and a peeled onion on the same refrigerator shelf. After a while, taste or smell the milk. Lo and behold, it has the odor and the taste of the onion; but how is this possible? The onion never came near the milk! How did it happen? And how can anyone even *prove* the milk was contaminated? You can't measure or separate the taste or the smell of the onion in the milk — not even by chemical analysis. And yet, as we have seen, Judge Kaufman helped the prosecution contaminate the verdict from the very start with the screening of the jury. Indeed, as it turned out, Kaufman was judge, prosecutor and jury, all rolled into one.

v

"Then the High Priest rent his clothes, saying . . . 'Now ye have heard his blasphemy. . . . What think ye?' They answered and said, 'He is guilty of death.'"

— Matthew xxvi: 65, 66

It was 11 o'clock that morning, exactly one hour after the jury had resumed deliberations, when word was sent in that it had agreed upon a verdict. Whereupon "the following proceedings occurred in the courtroom":

The Court: Bring the jury in.

(The jury entered the courtroom at 11:01 A.M.)

The Clerk: How say you?

The Foreman: We the jury find Julius Rosenberg guilty as charged.

We the jury find Ethel Rosenberg guilty as charged.

We the jury find Morton Sobell guilty as charged.

Whereupon Judge Kaufman tendered the jury his "deepest gratitude," and added fervently:

"This case is important. It is important to the Government of the United States. . . . What I was particularly pleased about was the time you took to deliberate in this case."

Since Kaufman must have surely meant that he considered the deliberations sufficient, it is well to note that the total time which the jury gave to sifting and weighing the facts in the mass of complex testimony they had heard over a period of three weeks was seven hours and forty-two minutes.

Actually, it appears that the jury gave so little time to any proper consideration of the evidence that they decided the fate of *both* Rosenbergs the same evening the case was given them. For, at 10:55 P.M., the foreman sent in a note saying that one of the jurors had in mind the possibility of recommending "leniency for one of the defendants." Whereupon Kaufman recalled the jury and re-read that portion of his charge "which dealt with the matter of punishment," adding that if the verdict were "guilty," whatever the jury's recommendation, it was his "prerogative" to follow or disregard it.

About an hour and a half later, the record discloses, the one juror disposed to leniency had Sobell in mind. Another exchange of notes took place involving the question of whether or not the jury might announce its verdict on two of the defendants even though it was still undecided concerning the third. Kaufman, apparently eager for a partial victory before going to bed, pressed for an immediate announcement:

Mr. A. Bloch: That is cruelty to us.

The Court: Why prolong the agony? If they have it, they have it.

When, however, he sent in his note for the jury to return a verdict on those defendants it had already agreed upon, it appeared that the jury had a better sense of decorum. It replied that although it was in agreement "on two of the defendants," it preferred to wait until it had "complete unanimity" on all three. And in the New York *Times* of March 29 and 30 we find that it was the restaurant owner, Mr. Harold Axley, who was the "one juror holding up [the] complete findings," and that the defendant he thought should receive leniency was Sobell.

Thus it is a matter of record that the total time devoted to an analysis of all the testimony against the Rosenbergs was considerably less than five hours and fifty-two minutes!*

*From 6:30 P.M. to 12:22 A.M., during which time the case against Sobell must also have been discussed. (Record, pp. 1570-1578.)

Following the verdict, Kaufman congratulated Saypol and his staff on their "fair presentation of the case." Then he gave this special accolade to the FBI:

"Again I say a great tribute is due to the FBI and Mr. Hoover for the splendid job that they have done in this case."

From the Brothman trial, we may recall Kaufman's tribute to the FBI for their "truly amazing . . . work on Mr. Gold," and his concluding remarks following that verdict:

"I think that Mr. Hoover and the Bureau should be congratulated in their work on this case, and I ask you to please advise him of my sentiment."*

Somehow, one cannot help shivering at the thought of all Federal judges greeting all future verdicts against convicted dissenters with a somewhat shorter tribute, for example, "Heil Hoover!"

Following a statement by Saypol, which emphasized that the defendants had received "a full, fair, open and complete trial — in sound American tradition," Judge Kaufman dismissed the jury with this little speech:

The Court: Now I say to the jurors, I almost feel as if I will miss seeing those faces here morning after morning, but I know it has been a tremendous inconvenience to most of you. It has taken you away from your businesses. But by doing so you have shown your recognition of your duties as citizens. . . . God bless you all.†

Whereupon the jury left the courtroom at 11:15 A.M. A moment later the deputy marshals handcuffed the Rosenbergs and Sobell and led them out the prisoners' door to the elevator which would take them below to the courthouse "lock-up." The date of sentence was set for the following Thursday, April 5, at the hour of 10:30 in the morning.

vi

*"O judgment! thou art fled
to brutish beasts,
And men have lost their reason!"*
— Julius Caesar

In expressing his gratitude to the jury following the verdict, Judge Kaufman gave this ominous indication of his intentions:

*Brothman Record, pp. 1160-1161.

†Record, pp. 1583-1584.

"I'LL BE JUDGE, I'LL BE

"The thought that citizens of our selves to the destruction of their own constructive weapon known to man is so words to describe this loathsome offer

One week later, in his sentencing speech necessary words. In the New York Times one-quarter of a full page.*

At 10:30 o'clock on Thursday morning, man ascended the bench to deliver his were among the headlines in the New York

"RAYBURN INTIMATES RUSSIA
IN MANHATTAN"

"A Third World War May Be Near
Statement to House"

"TROOPS FOR EUROPE BACK
HOUSE ASKED TO"

"HOUSE UNIT SCORES REDS
"Lists 550 Names, Including [Jose] Fernandez
Communist Front"

Thus, if Kaufman felt he needed a lesson for what he intended to do, it was certain of the Cold War, it was a most expedient scapegoats for the Korean "police action" more than 50,000 American casualties.

In his speech preceding the sentences on a rationale designed to support the crime the alleged crime had been committed in to tar the Russians with the same brush as up the "Hitler-Stalin Pact" and prepared to

". . . a lesson of history that the un-
one day can really be preparing to be

Utilizing the same rationale, Kaufman method of destroying all differences between an ally, and information given to an enemy his sentencing speech to the Rosenbergs:

"Citizens of this country who betray can be under none of the delusions about

*For Kaufman's sentencing speech regarding the Rosenbergs, pp. 1612-1616.

entry would lend them-
country by the most de-
ocking that I can't find

Mr. Kaufman found the
f April 6, they took up

ril 5, 1951, Judge Kauf-
encing speeches. These
Times that morning:

MASS TROOPS

peaker Implies in

BY SENATE,
'T'

EACE' DRIVE

and Judy Holliday in

ly charged atmosphere
resent. In the calendar
noment to provide the
hich had thus far cost

secutor Saypol labored
h penalty even though
vor of an ally. Seeking
Nazis, he again dragged
as:

ally of convenience of
orrow's enemy."

found it a convenient
information given to
Here are portions of

their fellow-countrymen
the benignity of Soviet

Rosenbergs, see Record,

power that they might have been prior to World War II. The
nature of Russian terrorism is now self-evident. Idealism as a ra-
tionale dissolves.

"Nor can it be said . . . that the power which sets the conspiracy
in motion . . . was not openly hostile to the United States at the
time of conspiracy. If this was your excuse, the error of your ways
in setting yourselves above our properly constituted authorities
and the decision of those authorities not to share the information
with Russia must now be obvious."

Here is the very ultimate in retroactive punishment. The Rosen-
bergs are condemned to death because they should have *known* in
1945 that Russia was not a reliable ally, and should have *known*
beforehand about the Cold War. The speciousness of this rationale
is easily tested: What shall be done to all those American industrial-
ists who knowingly aided Hitler's Germany and Tojo's Japan, both
secretly and overtly, before Pearl Harbor? The bombs which mas-
sacred 3,000 Americans on Dec. 7, 1941, were fabricated from Amer-
ican scrap iron sold by American merchants and shipped by Amer-
ican traders. Can we retroactively prosecute them for their illusions
about German or Japanese benignity? Can we legally punish them
for not having anticipated Pearl Harbor?

vii

*"Only one tribunal has asserted the correctness of
our sentence to death, and only one court has af-
firmed it: the sentencing court. In other words,
only one human being in a position of power has
said we ought to die."*

— Petition for Executive Clemency, p. 22

It was just a few minutes before 12 o'clock when Judge Kaufman
cleared his throat ceremoniously and asked Julius and Ethel Rosen-
berg if there was anything they wanted to say before sentence was
imposed:

Defendant Julius Rosenberg: No, sir.

The Court [to Ethel]: Do you care to say anything?

Defendant Ethel Rosenberg: No, sir.

The Court: Because of the seriousness of this case and the lack
of precedence, I have refrained from asking the Government for a
recommendation.

The responsibility is so great that I believe that the Court *alone*
should assume this responsibility.

In view of the importance of the sentences I am about to im-
pose, I believe it is my duty to give some explanation respecting
them. (Emphasis added.)

In preceding chapters we have touched upon Kaufman's astonish-
ing explanation which has appalled not only millions of lay persons
but hundreds of jurists and statesmen in all countries of the world.
We have seen how he "boosted" the charge from one of conspiracy
to commit espionage to nothing less than High Treason, but with-
out the constitutional protection given in such trials. We have seen
several instances of his subjective state of mind, which was governed
not by the validity of the evidence but by the necessity to make
Communism the end-all and be-all of "the constant state of tension"
that existed. Viewing his attitude toward the case, it was as though
there had never been any periods of tension, any wars, or differences
of ideology in the history of the world before the Rosenbergs were
born. In his judge-prosecutor harassment of the Rosenbergs on the
witness stand, we have already seen his ill-concealed hatred of them
as alleged opponents of capitalism. But it is in his sentencing speech
that this hatred becomes nakedly revealed:

"It is so difficult to make people realize that this country is en-
gaged in a life and death struggle with a completely different
system.

"Yet, they made a choice of devoting themselves to the Russian
ideology of denial of God, denial of the sanctity of the individual
and aggression against free men everywhere instead of serving
the cause of liberty and freedom.

"I also assume that the basic Marxist goal of world revolution
and the destruction of capitalism was well known to the defend-
ants, if in fact not subscribed to by them. . . ."

Nowhere in the record is there any evidence of Kaufman's charge
that the Rosenbergs had subscribed to world revolution or the de-
struction of capitalism. In fact, as will be recalled, Julius had
clearly stated his belief that the people of each nation had the right
to determine whatever type of government they desired. Nowhere in
the record is there evidence of the Rosenbergs' denial of God or the
sanctity of the individual. On the contrary, every action in their
lives attested to the fact that they prized the sanctity of the individual

and the dignity of man. There were the years of Julius' devoted work in behalf of his union. There was Ethel's volunteer work in the neighborhood Civil Defense. There was their devotion to their families, their children, their friends. There was their continued concern for the refugee victims of Fascism. There was their dismay over the genocide of the 6,000,000 victims of Nazism. And, above all, there was their belief in the right of all Americans to think and speak as they believed no matter how unpopular such beliefs might be. This was the very essence of Julius' expression of his opinions from the witness stand.

It was exactly 12 noon. As the *New York Times* recorded the moment, Judge Kaufman read his reasons for the death sentences just as "the church bell of nearby St. Andrew's Roman Catholic Church tolled the noon hour, its longest toll of the day." These were his reasons as he continued reading his speech:

"I consider your crime worse than murder. . . . I believe your conduct in putting into the hands of the Russians the A-bomb . . . has already caused, in my opinion, the Communist aggression in Korea, with the resultant casualties exceeding 50,000 and who knows but that millions more of innocent people may pay the price of your treason. Indeed, by your betrayal you undoubtedly have altered the course of history. . . . We have evidence of your treachery all around us every day — for the civilian defense activities throughout the nation are aimed at preparing us for an atom bomb attack."

Even with the limited hindsight of today's events, the inane irresponsibility of these accusations must be plain. One has only to recall Syngman Rhee in July, 1954, stunning the joint session of Senate and House into shocked silence by his entreaty to start the Korean war again, indeed to start a "preventative war" with China and Russia. Did any honest, intelligent Senator or Congressman have any doubts after this embarrassing appeal to "drive the Communists from North Korea" concerning the complex causes for the Korean War? Did it never occur to Judge Kaufman that the wave of anti-colonialism, nationalism and social revolution that was sweeping Asia would have taken place without the existence of the A-bomb or the Rosenbergs? Certainly it took place in China, the Dutch East Indies and Indo-China long before the Russian atomic explosion in 1949.

And note how readily Kaufman sponsors the idea that all of Americans are doomed to perish from an imminent bomb attack. In other words, if Kaufman was aware of impending disaster, he was hardly in the position of an impartial judge concerned only with the evidence, merely repeating the scare headlines of the day for putting the Rosenbergs to death, the conduct befitting a lynch leader whipping himself into a blind frenzy.

To debate with Kaufman the reckless charge that the A-bomb undoubtedly altered the course of world history is less as entering into a debate with McCarthy or as claiming that American G.I.'s had mistreated the Nazi murderers. The charge has been adequately answered by Dr. J. Robert Oppenheimer, Director of the Atomic Energy Classification Office, who said: "It is time to stop kidding ourselves about atomic energy. The atom bomb and the hydrogen bomb were not the work of spies."*

viii

"Hangman, I charge you,
to this lady. Scourge her
till the blood runs down."

In such sadistic language did the Lord Chief Justice impose the death penalty upon a woman for treason in the 1680's. It was a time, we are told, that hangings and in that sense was not too far removed from the present. We are sure, we no longer scourge prisoners in the states, but can we say that our judges are any less inattentive toward political dissenters?

In Chapter 14, in our examination of Ethel's atomic reports, we recall from Greenglass' testimony that the conspiracy was only a minor one or, as Ed said, "she didn't mind it [the typing] so long as she was doing what he wanted to do."

*See *New York Times* of March 17, 1954. See also: editor Waldemar Kaempffert, concerning the "alleged espionage of the Rosenbergs." (*New York Times*)
†Bernard O'Donnell, *The Old Bailey and Its Trials*, 1950.

the myth that millions of sincere about his fear of being a fair and honest. And if he was able to provide justification, he was guilty of conflating the mob into a

that the Rosenbergs would be as pointed out in his claim that America is Malmédy. One can see in any event, the James Beckerly, Director to wit: That "it was secrets," and that "the lot stolen from us by

pay particular attention unduly, man; scourge her

of Justice of England minor crime of theft and "a cruel, raw edge," on our own time. To in certain Southern less fanatical in their

alleged typing of the money that her role in it was alleged to have as Julius was doing

article by Times science or importance" of the Times, Mar. 6, 1955.) Macmillan, New York,

And yet, in the face of this vital disclosure made by the only witnesses testifying against Ethel, Judge Kaufman found her equally deserving of the death penalty with Julius, whom he himself describes in his sentencing speech as the "prime mover in the conspiracy":

"The evidence indicated quite clearly that Julius Rosenberg was the prime mover in this conspiracy. However, let no mistake be made about the role which his wife, Ethel Rosenberg, played in this conspiracy. Instead of deterring him from pursuing his ignoble course, she encouraged and assisted the cause. She was a mature woman — almost three years older than her husband and almost seven years older than her younger brother. She was a full-fledged partner in this crime."

Equal guilt — equal punishment? Very well, but how does Kaufman equate Ethel's minor role with that of Julius, "the prime mover"? Where in the record is there anything to support the contention that Ethel encouraged Julius? According to the prosecution, it was Julius who master-minded everything. Indeed, in Saypol's words, it was he who "thought out" the entire spy ring.* How, then, were Ethel's "crimes" equal to those of Julius? Judge Kaufman finds that she was a mature woman, almost three years older than her husband. Did this constitute any additional weight of evidence? Did the accident of their difference in age make her "a full-fledged partner in this crime"? If she had been three years younger, can we believe that Judge Kaufman would have found that sufficient cause to sentence her to a lesser penalty, of, say, only thirty years?

Included in Mr. Bloch's plea for a fair and just sentence was this vital point: That had the alleged conspiracy been exposed during the period of its commission, i.e., 1944-1945, a time when the Soviet Union was an ally of the United States, it would have been questionable whether the Rosenbergs would have found themselves in a criminal court at all. To this point Kaufman replied as follows:

The Court: You overlooked one very salient feature, and that is that their activities didn't cease in 1945, but that there was evidence in the case of continued activity in espionage right on down, even during a period when it was then apparent to everybody that we were now dealing with a hostile nation. . . . There was evidence, for example, in 1948, with Elitcher.†

*Record, p. 182.

†Record, p. 1606.

There is no way to describe this legalistic sophistry but to say it is shocking. When Kaufman cannot find justification for the death penalties for a crime taking place during the period of World War II, he seizes upon a minor facet of Elitcher's testimony, something which had *nothing to do with atomic espionage*, and advances this as the reason to put the Rosenbergs to death!

But even if we believe that Ethel took part in the conspiracy during the war years, the record is bare of any evidence whatsoever regarding her involvement *after* the war!

In other words, if one grants any logic to Kaufman's argument concerning the Rosenbergs' continued activity in espionage into the period when Russia became a hostile nation, it can at best be applied *only* to Julius.

It cannot, according to the record or by any stretch of the imagination, be applied to Ethel!

Hence, according to Kaufman's own argument, Ethel was not "a full-fledged partner in this crime." Therefore there was no possible justification to sentence her to death.

And if it be contended that Ethel can be *assumed* to have aided the conspiracy during the postwar years, one can only reply — since when do we put people to death without evidence and on mere assumption?

ix

"I have deliberated for hours, days and nights. I have carefully weighed the evidence. . . . I am convinced beyond any doubt of your guilt. I have searched the records — I have searched my conscience to find some reason for mercy. . . ."

"It is not in my power, Julius and Ethel Rosenberg, to forgive you. Only the Lord can find mercy for what you have done."

With these words Judge Kaufman proceeded to impose "the punishment of death" upon Ethel and Julius Rosenberg together with the order that:

" . . . upon some day within the week beginning with Monday, May 21st [1951], you shall be executed according to law."

*This execution date was automatically stayed by the first appeal. See Chronology in the beginning of book for subsequent execution dates.

In the *New York Times* description of this scene, Julius was described as swaying "slowly back and forth on the balls of his feet" as he stood "flanking the bench." And at his right side stood the slight figure of his wife, Ethel, with "her right hand clamped in a white-knuckled grip on a chair before her."

It was 12:08 P.M. when the Rosenbergs' sentences were concluded and the assistant marshals led them out the side door. In the *New York Times* of April 6 we read also that the "burden of responsibility" appeared to weigh heavily upon Kaufman:

"In the last week, he had a bit more than ten hours' sleep. Several times he went to his synagogue seeking spiritual guidance. Mr. Saypol also sought spiritual guidance in his own synagogue, it was learned."

Concerning Saypol, whose conscience apparently could adjust itself to many things, one may disregard him, since he had nothing to do with the imposition of the sentences. For as the record shows, it was Kaufman "alone" who assumed the full responsibility for the death penalties.

In almost every Federal criminal case of record the trial judge requests the Government for its recommendation of sentence. Why was this not done in the Rosenberg case? Why was there this unprecedented departure from established practice? According to Kaufman, there were both "the seriousness of the case and the lack of precedence." This, of course, was true. Never before in the history of the United States had a civil court, either in peace or in war, decreed a sentence of death for the crime of espionage. And for that gravest of crimes, treason, never had there occurred a single execution since the Founding Fathers so carefully defined the statute when they wrote the Constitution.*

To be sure, the case was serious, but it appears that Kaufman had a personal reason for assuming the full responsibility. In the considered opinion of many of his leading fellow religionists, as well as a number of outstanding Christian attorneys and jurists, Kaufman sought to demonstrate his own Americanism by the sending of two of his dissenting fellow Jews to the electric chair.

Immediately after the sentences this opinion was voiced in the editorial pages of many conservative Jewish newspapers. Here is that from the *New York Jewish Day* on April 16, 1951:

"What led the judge to give the extreme penalty . . . ? Is it not perhaps the fact that the judge is a Jew and the defendants are

*U.S. v. Cramer, 325 U.S. 1 (1944).

"I'LL BE JUDGE, I'LL BE JUDGE"

Jews? . . . He himself . . . did not have the strength to stand from today's heated tensions . . . and perhaps, if he were not to give them the death sentence, he would be suspected of not having done so because he was a Jew. . . . Because the judge should have been free to do as he pleased — he should under no circumstance have given the death sentence. . . ."

From the *Jewish Examiner* of March 14, 1951, in the opinion of Rabbi Louis D. Gross:

" . . . Did [Judge Kaufman] think that the death sentence for the Rosenbergs was necessary to counteract the influence of communism against Jews in general? Has not learned that anti-Semitism has no truth."

And here is the editorial opinion of Rabbi Isaac M. Wise of the *Sentinel* of Feb. 7, 1952, a Chicago English-Jewish paper:

" . . . When Julius and Ethel Rosenberg were sentenced to death . . . I condemned the verdict and the judge, who happened to be a Jew, of learning his desire to show that Jews condemn treachery."

In the *California Jewish Voice* Samuel B. Goren on Feb. 29, 1952:

"My only concern was why a Jewish judge gave the death penalty for peace-time espionage. . . . Unbiased, he acquiesced to legal murder and hysteria."

These opinions were shared by non-Jewish H. Wolfe, a leader of the Unitarian Church and a member of the Supreme Court of the State of Utah:

"Besides the general hysteria generated by the Rosenberg case, there may have been the influence of anti-Semitism which was interjected into that trial. . . . There may have been unconscious backwardness against the Jews who were accused."

*From an appeal for clemency written by Chief Justice William V. O'Dwyer in behalf of the Rosenbergs.

power to free himself is also afraid that perhaps penalty, he would be a Jew. . . . Precisely from every Jewish community have issued the death

2, here is the editorial

death sentence against the anti-Semitic charge. Apparently the jurist nothing to do with the

3. George Fox in *The Jewish weekly*:

g were condemned to accused the presiding judge over backwards in reason. . . ."

th, its publisher, wrote

ge had to . . . decide a . . . To prove that he was in the time of national

people, such as James and Chief Justice of the

y fear and hate of communism, it appears that there is in a reverse sort of an effort to lean over . . ."

like Wolfe to President

A similar viewpoint was expressed by Stephen Love, a distinguished member of the Chicago bar and a Catholic Layman. Here are the two reasons he ascribes to Kaufman's unprecedented conduct:

"(a) Did the trial judge fear that the United States Attorney would not recommend the death sentence, and thus make it practically impossible, or extremely difficult for the judge to impose it?

"(b) Did he desire for himself the assumed glory of imposing a death sentence upon members of his own racial group and thereby demonstrating that he could be a firm and severe and unrelenting judge even as against them? Was this not a classic instance of a judge's leaning backward, a most unfortunate performance in a federal judge, in a capital case?"*

The foregoing makes appropriate a brief examination of the question raised by the editor of the *Jewish Day* written a week after the sentences on April 4, 1951:

"Has Judge Kaufman Considered to What His Speech Can Lead?"

In the body of the editorial the fear was expressed that another dangerous myth had been fostered by Kaufman's "unjust and brutal" sentences, one that could easily provide fuel for the smoldering fires of anti-Semitism in the United States:

"One cannot overlook the Jewish element in this unfortunate, tragic Rosenberg trial. . . . If the Rosenbergs are, as Judge Kaufman has said, guilty of the death of 50,000 American soldiers in Korea, one can easily hold the Rosenbergs and their like responsible for the atom war against America." (Emphasis added.)

Soon after the sentences letters such as these began to be circulated through the United States mails:

"Build a strong wailing wall with four sides, and put dear little Mammala and Papala Rosenberg in the big middle of this wailing wall in Sing Sing, and let them wail and wail and wail. What do the Jew\$ do in return [for being] permitted to live in the U.S.? He is without exception the spy, the Saboteur, 'Commies,' Left Wingers, Infiltrators, hate mongers and all around trouble-makers. To say nothing of their intense Zionism which makes Hitler look like an amateur."

*From an address delivered to a clemency rally for the Rosenbergs held at Triborough Stadium, New York City, on May 3, 1953.

In Boston a "sticker" was distributed, stating in part

"Why do you think the long list of JEWISH names such as Rosenberg, Greenglass, Sobell, C et al, daily appear in newspaper headlines) but secrets . . . ?"*

In Los Angeles the following notes addressed to the Committee of that city are typical of others received

"These 2 Rats should of been hung long ago

A
(Emphasis

"To whom it may concern. All I say is why having so much time when the government knows are! . . . Its traitors like these human snakes tell say Kill them before our silly government turn cause further hell and treachery and torture to because they are Jews like yourselves you selfish leashed. You have taken over nearly all the U.S.A Dogs. If your friends are released I'm no longer (Emphasis in the original.)

In Washington, D. C., an organization which called "PENTAGON PATRIOTS" published and distributed a "poem" written by one Oliver Allstorm. Here are It is significant to note the threat to the higher courts the granting of a new trial:

**JULIUS AND ETHEL ROSENBERG
TRAITORS TO THE U.S.A. MUST**

This man and wife, this guilty pair
Must die in the Electric Chair,
So rang the Judge's fervent Cry
These traitors are condemned to die!
And burn for treason, guilt and shame,
So let us note each traitor's name —

Julius Rosenberg
And Ethel Rosenberg,
Both tried to sell
America to
A Russian hell.

*The above letters and "sticker" are part of a collection in the National Rosenberg-Sobell Committee.

Now some quack lawyer with a flare
 Shall try to save them from the "chair,"
 But such a shyster (mark him well),
 Is paid with gold that comes from hell.
 So with God's lash, he, too, should share
 Death with this Communistic pair!

... Still, should some court support their prayer
 And save them from death's "waiting chair" ...
 If such there be, who'd stoop to spare
 Their hides from Sing Sing's "burning chair"
 We'll brand his brow
 With marks of guilt,
 And link his name
 With traitors
 In the sewers of shame!

And here, the "PENTAGON PATRIOTS" appear to find inspiration in an old Southern custom:

Now should this pair outwit the law
 And wriggle from death's bloody maw;
 An outraged nation with a yell
 Shall drag them from their prison cell
 And hang them high
 Beyond life's hope,
 To swing and die
 And dangle from
 The Hangman's rope!
 Then, while the buzzards make a feast
 On their Red flesh as on a beast;
 Our natives shall rejoice and sing
 And shout while these two traitors swing,
 And freedom's cry shall soar and swell
 With songs that echo — "All is well!"

... So when the Rosenbergs lie dead
 Wrapped in a shroud of Kremlin-red;
 All future traitors should beware
 They, too, will burn within the "chair."

In the viewpoint of the American Jewish Committee the above manifestations of anti-Semitism arising out of the Rosenberg case have been dismissed as the work of the "lunatic fringe." According

to various articles written by its spokesmen, Communists who have provoked these outbreaks the theory that "anti-Communism leads to anti-Semitism."*

It is this writer's opinion that while there is a calculated choice of the Rosenbergs as the first Americans to be executed, there can be little doubt that "anti-Semitism" has given native fascists a

In his article written for the *New York Journal* on June 26, 1954, Roy Cohn elaborates upon the views of the Jewish Committee:

"In the Rosenberg case, the judge, Irving Saypol, and I, his assistant, who handled the case are proud of our role. The Rosenbergs, as Marxists, were atheists who hated Judaism. Yet we were attacked and persecuted as anti-Semites."

Perhaps the most devastating comment to date is an article by Drew Pearson appearing in the *Los Angeles Times* of March 9, 1954, in which he exposes the "Jewish influence" as McCarthy's chief counsel:

"Significantly, McCarthy is trying to finish his faith to replace Cohn. He considers this offset the charge that he is anti-Semitic. Cohn exactly help McCarthy to refute this charge. 'Meeting McCarthy and Cohn at the Washington one day, Arnold Forster, secretary of the American Legion, was greeted with this: 'How are all the — Jews in New York?' 'Fine,' replied Forster. 'I had dinner with them last night.'"

Inherently related to the question — to what extent the Rosenberg case resulted in the spread of anti-Semitism — are the implications found in the extensive survey made by the *Times* of the McCarthy-Cohn investigations at the entire hoax, of course, was spearheaded by Roy

*See article "Anti-Semitism and the Rosenberg Case," July, 1952, a publication of the American Jewish Committee in *American Legion Magazine*, July, 1953, by Roy Cohn, of Community Service of the American Jewish Committee, in condensed form in *Reader's Digest* of September,

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A. Fineberg, Director
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further credence to the so-called Rosenberg spy ring.* Here, in part, is the New York Times report of some of the anti-Semitic aspects which developed in the community around Fort Monmouth as the result of the investigations:

"Jewish organizations have been distressed because all of the nineteen employees who are now suspended are Jewish, except one Negro and . . . a white Protestant. All of the thirteen who were suspended and then reinstated are Jewish, and so are all but three of the fifteen who lost clearances."

Eleven of the suspended employees were represented by an attorney named Mr. Green, whom the Times interviewed regarding the reliability of the accusers of his clients:

"In the light of the testimony he [Mr. Green] urged that the Secretary of the Army investigate the accusers themselves.

"From information which I have on hand," Mr. Green wrote, 'there appears to have been, and still are anti-racial bigots of which local G-2 either knew or should have known and that many of the charges stem from racial prejudice.'"[†]

In view of the above developments and other related anti-Semitic "incidents" too numerous to list, it is difficult to understand the wilful blindness of some Jewish organizations in dismissing the danger as the work of "Communists . . . fomenting anti-Semitism."[‡] And how strange it is that so many American Jews have completely forgotten the bitter lesson learned so belatedly by German Jewry after they had listened too long to their Kaufmans, Saypols and Cohns attributing the rise of Hitler to the "Bolshevist menace."

x

"He's just, your cousin, ay, abhorrently;
He'd wash his hands in blood, to keep them clean."

— E. B. Browning

After the sentences of the Rosenbergs, Judge Kaufman called a short recess. There then followed a last-minute plea by Mr. Phillips on behalf of Sobell, requesting "utmost consideration" in view of

*Here is a typical news release authorized by Cohn and McCarthy at the start of the Fort Monmouth investigations:

"ROSENBERG CALLED RADAR SPY MASTER

"Ring at Signal Corps Center May Still Be Working for Russia,
Senator McCarthy Says." (Los Angeles Times, Oct. 16, 1953.)

[†]For the above excerpts, see first and third parts of the series in the New York Times, dated Jan. 11, 12 and 13, 1954.

[‡]B'nai Brith Messenger, April 25, 1952.

the fact that no testimony had been shown that his client had actually transmitted any illegal information to a foreign power. Mr. Phillips also made the point that whereas the Espionage Act made provision for a maximum of thirty years or death, it left the question of a *minimum* entirely dependent on the discretion of the judge so that he might balance the degree of punishment against the degree of gravity of the crime. And that whereas the worst that had been charged by Elitcher was that he had merely *talked* espionage with Sobell, and whereas there was so little gravity that the indictment failed to cite even one overt act involving Sobell, surely the Court would see fit "to impose almost no sentence or . . . such a small sentence" as would be fair and just.*

Kaufman made no reply but, turning coldly to Sobell, asked, "Is there anything else the defendant wants to say?" According to the record, there was "no response." Whereupon, the sentence was read. Here is its full text:

The Court: While I have not the slightest sympathy for you or any of your associates, as a judge, I must be objective in the examination of the evidence in this case. I do not for a moment doubt that you were engaged in espionage activities; *however, the evidence in the case did not point to any activity on your part in connection with the atom bomb project.* I cannot be moved by hysteria or motivated by a desire to do the popular thing. I must do justice according to the evidence in this case. There isn't any doubt about your guilt, but I must recognize the lesser degree of your implication in this offense.

I, therefore, sentence you to the maximum prison term provided by statute, to wit, thirty years. (Emphasis added.)

At first glance it is not clear whether Kaufman meant that the public was clamoring for Sobell's blood or for his freedom. In any event, Kaufman presents himself as somewhere up on a Mount Olympus, aloof to everything but pure Justice, and he will administer it only according to the evidence. And yet he *knew* that there was no evidence other than that of a self-admitted perjurer when in charging the jury he had stated:

"If you do not believe the testimony of Max Elitcher as it pertains to Sobell, then you must acquit the defendant Sobell."

Furthermore, whereas Kaufman concedes the crucial point — that Sobell had no part in any atomic espionage — still he sentences Sobell

*See Record, pp. 1619-1620, which include Sobell's sentencing.

to a penalty just short of death. And all the while it is as though he were incanting self-hypnotically: "I *must* be objective — I *must* do justice."

But where is there any objectivity or justice or the slightest sense of proportion in putting a man in the prime of life behind bars for what amounts to the balance of his days, on no other grounds than the testimony of a single witness, testimony which should have been viewed with "care, caution and suspicion"? With his prosecutor's experience, Kaufman knew perfectly well that Saypol had obtained Sobell's conviction so easily only because of the strategy of having him tried jointly with the Rosenbergs. In the dissenting opinion of Judge Frank reviewing the first appeal, Kaufman's failure to instruct the jury that they must also consider the question of two separate conspiracies constituted serious "prejudicial error":

"... for Sobell was jointly tried with major atomic energy spies whose acts and declarations were held binding upon him."

"... there was error, in this respect, which requires that Sobell be given a new trial."

"... the judge, on his own motion should have submitted the question of one or several conspiracies to the jury."* (Emphasis added.)

In the *Columbia Law Review*, which is in full agreement with this opinion and holds that the other two judges of the Court of Appeals (Swan and Chase) should have supported it, there is cited the Supreme Court attitude:

"... That when there is great danger that the jurors, consciously or otherwise, will transfer guilt from one conspiracy to another, prejudice to substantial rights may result."†

We have had occasion previously to point out that the true nature of the Rosenberg trial can best be seen through the window of Sobell's treatment. It was right after Kaufman had declared that he would not be moved by hysteria that he suddenly dropped the mask to reveal the unreasoning hate which dictated his entire conduct of the trial. Here is the record as he concludes the sentencing of Sobell:

[Kaufman]: While it may be gratuitous on my part, I at this point note my recommendation against parole. The Court will stand adjourned.

*Record, pp. 1664-1665, 1666 and footnote 15a.

†*Op. cit.*, pp. 228-233.

Mr. Phillips: Before the Court adjourn ready served taken into consideration?

The Court: No, they are not, but I will judgment. They have to be considered.

"Gratuitous" is a mild word to describe such content in condemning Sobell to a living death to insure it by projecting himself as a "dead" determination of a parole board of some form which might possibly see fit to parole Sobell twenty-five years.

Evidently it does not occur to Kaufman that Americans might tire of the tension diet of World War, that the dogma of fear engulfing them might happily be dispelled by the 60's or 70's, and Americans might come to look upon him with the look upon the infamous Judge Webster Thayer case.

Even when Mr. Phillips inquires unnecessarily one-half months which Sobell has already served man cannot unbend himself; reluctantly he concedes nine years, four and one-half months remain in accordance with the statute's maximum.

One can ask only: "Is this the rational, calm of an honest judge who had gone to his rabbinical guidance?"

Is it conceivable that any rabbi would not have pointed out that "all the paths of justice are straight before me"? How can one believe the story that Kaufman knew science so exhaustively that he had but ten minutes sleep per night? Exceedingly strange newspapermen could be taken in by such a tale. More than ninety minutes sleep per night for seven equally dubious tales of his visits to his synagogues. Editorial opinion of Rabbi Louis Gross in the *Jewish Post*, 14, 1952, on this claim:

"According to the press, Judge Kaufman, in passing sentence, he went to a synagogue to consult his conscience and his God. That was a pretty good thing to have gone to the Talmud. . . .

"According to the Talmud, when the law is pronounced by the Sanhedrin, the Jewish

once within a period of 70 years, the Rabbis denounced the judges of the Court as 'murderers.'"

In a discussion of this claim the orthodox Rabbi Dr. Meyer Sharff of New York City made this pithy comment during one of his speeches in behalf of the Rosenbergs:

"If Judge Kaufman really wanted to know what an honest Jew would have done, he need not have gone to a synagogue. He could have walked on any street in New York and asked any ten good Jews. They would have told him what to do."

xi

At 2 o'clock on the afternoon of Friday, April 6, according to the *New York Times*, David Greenglass "stood on the same spot" where his sister had stood the day before. He stood with hands clasped behind his back, but otherwise showed no emotion. However, some twenty feet away sat his wife Ruth on the edge of a front-row seat, her hand gripping the rail in front of her.

In an effort to explain why Ruth Greenglass, a self-proclaimed spy and co-conspirator, was not being sentenced together with her husband, had not even been indicted to stand trial, Mr. Saypol stated that it was by his decision that she had been spared. For it was she, he declared, who had convinced her husband to cease protesting his innocence, and it was "through Ruth Greenglass" that the authorities received the "recantation of those protestations."

It was, of course, a fancy bit of fiction. We know from both the record and Rogge's file memos that Greenglass agreed to make his "confession" the first night he was interrogated, and that the sordid bargaining developed in the weeks that followed. We know from Rogge's memos of the repeated prosecution threats to ship Greenglass out to New Mexico, and of the trading that went on during the varying indictments to give Greenglass the same immunity as his wife, *i.e.*, the status of a co-conspirator, but *not* a defendant. And we know too about the promises so clearly stated in Rogge's memos, *i.e.*, that Greenglass would receive a year or two, at worst, and that there was even the possibility of a suspended sentence.

Hence it was small wonder that O. John Rogge reacted so strongly (or seemed to), when Saypol concluded his pre-sentencing speech with the recommendation:

Mr. Saypol: I recommend that the defendant be imprisoned for a term of 15 years.*

To the press "outside the courtroom," Saypol apparently found it necessary to explain this lack of gratitude toward his chief witness, and so we have this reassuring item from the *New York Times* of April 7:

"... Mr. Saypol said that Greenglass could be eligible for parole after serving 5 years."

But inside the courtroom Rogge, who as yet had done nothing positive to earn his \$4,000 fee, had responded in sharp protest (or seemed to):

Mr. Rogge: May it please the Court . . . I too have had experience in prosecuting and I have also had experience in assisting in investigative agencies, especially the FBI in former years. And I can say to your Honor . . . if the Government wants help . . . if it wants people in the position of David Greenglass to come forward and cooperate, it must give him a pat on the back.

Thereupon Mr. Rogge, according to the *New York Times* report, expatiated on this theme for more than half an hour, repeating his "pat on the back recommendation" no less than four times. It was "more important than the sentence," Rogge declared, to give such a "pat on the back" to people "just on the brink of cooperating," because investigative agencies could then say to them:

[Rogge]: Look, if you will cooperate, here is what happened, for instance, in the case of David Greenglass. Come forward and help your Government. We are in a system that recognizes and respects the dignity of the individual.

I certainly say to your Honor . . . you would serve justice and you would temper it with mercy, if, let us say, you had a sentence in this case for David Greenglass of three years.

However, Kaufman remained unimpressed, possibly resenting Rogge's implications that this had been the "deal" promised. No doubt, too, he felt that Rogge was opening up forbidden doors with his constant repetition of the "pat on the back." Now that Rogge

*For the "Proceedings re Sentence of David Greenglass," see Record, pp. 1621-1638.

was done, Kaufman proceeded to read his sentencing speech to David Greenglass. And, again, we find it to be a compilation of self-righteousness, self-praise and pietism. On the day before, Kaufman had explained to Rogge that he was putting off Greenglass' sentence until the next afternoon because:

"... with his [Greenglass'] presence in court at the time the other defendants were here, that would inflict upon him more punishment than should be inflicted. . . ."

Thus, on Thursday Kaufman manifests a touching concern for the sensitive feelings of Greenglass, whose acts he now describes on Friday as "loathsome [and] contemptible." On Thursday he praises Greenglass for doing "a lot of soul-searching" and doing something "bigger than his relationship with his sister." But on Friday, when he praises Rogge's "legal advice" the acceptance of it becomes the bigger thing.

Commencing his speech, he manages to give *himself* a pat on the back in the process:

The Court: . . . I like to think that neither do I ever mete out a light sentence, nor a heavy sentence, but rather a just sentence. . . .

Now, as he addresses Greenglass directly, we have a few instances of Judge Kaufman reverting to "Pope Kaufman," as he employs almost the sanctimonious phraseology of a Torquemada:

"You have at least not added to your sins. . . ."

"... You repented and you brought to justice those who enlisted you in this cause. Justice does not seek vengeance. Justice seeks justice, but you deserve punishment. . . ."

"... I shall follow the recommendation of the Government and sentence you to 15 years in prison."

"As the last words fell," the New York *Times* reports, "Ruth Greenglass almost toppled from her front-row seat on the left of the courtroom." And after "a stiffening shudder," we are further told, she dropped her "head forward to the rail and gripped hard with her right hand to steady herself."

Evidently, when she first heard Saypol mention the fifteen-year penalty, the harsh reality was so unacceptable that she failed to prepare herself. But with the imposition of sentence the realization

struck with full force. And yet what could a band possibly do about it?

For the rest of her life there would dangle of the withheld indictment above her head crime there is no statute of limitations. And complain? To their attorney, Rogge? He would avoid anything that might jeopardize David parole. In fact, in an exchange between Rogge and Greenglass, Rogge very plainly indicated the necessity of a sentence for Greenglass. For, as he pointed out to Rogge was:

"... a penalty that calls for possible maximum imprisonment of 30 years."

What was clearly meant here was: How could we possibly recommend anything less than fifteen years in the face of the death sentences for the Rosenberg brothers? What possible sentence for Sobell? Such a sentence imposed by a civil court in peacetime for crimes of an ally had to have this "floor" of Green public to accept them. The disparity might just too "raw" if the Government were to be with David in addition to letting Ruth go so

xii

*"They will assert their
breathe."*

After the sentences had been pronounced Rosenberg they were taken down to the "tandem" cells in the basement of the courthouse whom we shall call "Terry," had been brought together with Julius from the West Street jail when the deputy marshals led Julius and scribes the following:

"I saw Julie when they brought him down. He said something, but the words stuck. All he could do was wiggle his two fingers."

*New York *Times*, April 8, 1951.

or her deluded husband the Damoclean sword because in a capital to whom should they only advise them to chances for a speedy and Kaufman, the considerable sentence, what was at stake

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— Emanuel Bloch*

m Ethel and Julius the temporary de- e. A fellow-prisoner, there that morning In recalling the mo- at his cell, Terry de-

... He was trying to do was to hold up

At first Terry thought that the death sentences were only for Julius and Sobell, because in all of the speculation that had gone on at the West Street jail no one had been of the opinion that Ethel would receive worse than a nominal punishment. An instant later Julius found sufficient voice and added to his gesture: "Ethel, too."

Waiting in the adjoining cells to be taken back to the West Street jail there were the other prisoners and they quickly realized what had just happened to the Rosenbergs. After they heard the clangs of the cell doors closing on Julius and Ethel at opposite ends of the corridor an oppressive stillness followed.

In the meantime Sobell had been brought down; and, since it was midday, the marshals had arranged for the three sentenced prisoners to have their lunch together with their respective counsel in one of the conference rooms farther down the corridor. Helen Sobell was permitted to be with her husband during this lunch hour.

While they were lunching there was a painful effort by the lean, iron-haired Edward Kuntz to relieve the gloom with small talk, and he muttered something half aloud about having lost twenty pounds — he thought — in the month since the trial had commenced. The small talk seemed to help; Julius commented somewhat wryly that he guessed he must have lost some weight too, because his suit felt as though it were a couple of sizes too large for him. And Ethel, attempting a faint smile, added that she believed she had gained a few pounds, because her nervousness throughout the trial had caused her to eat more than she would normally.

As for the Sobells, somehow it was all too unreal to grasp; they just sat holding hands in silence and "sort of looked at each other," wondering if all of this were true and if the Rosenbergs realized at all the full and horrible significance of their sentences.*

Evidently, however, they did. A few moments later, when Emanuel Bloch began to blame himself for neglecting certain legal moves during the trial, Julius looked up from his coffee and shook his head. No, he stated, there was nothing that could possibly have altered the verdict in the existing climate. The FBI timing of their arrests was closely synchronized with the outbreak of the Korean War. The over-all plan called for the "breaking" of a sensational case against spies and traitors; and what could be more sensational than the charge that American Communists had stolen the secret of the A-bomb and had thereby imperiled the lives of every man, woman and child in the United States? The sentences were inevitable. Dissenters of all shades of opinion who might speak against war had to be si-

*From interviews with Helen Sobell and Emanuel Bloch.

lenced. Now, with their sentencing, the groundwork was laid that anyone who was for peace *might be* a Communist, that anyone who spoke or behaved *like* a Communist might be an enemy agent, and that all such suspected persons had to be dealt with as potential traitors.

xiii

"... He is trampling out the vintage where the grapes of wrath are stored."

After lunch, when the Rosenbergs were returned to their detention cells, Julius wondered why Sobell was taken back to the Tombs and why Ethel and himself were being kept there. A moment later one of the deputies told him that the Marshal's Office upstairs was awaiting instructions from Washington to ship them to the death house in Sing Sing that very evening.

Certain that this was but another tactic to break their spirit and that no such unprecedented move would actually be carried out, Julius hastened to let Ethel know about the ruse before one of the deputies might alarm her. And so he called through the bars:

"Ethel, don't be scared if some clown tells you we may be taken to the death house tonight! Everything will be all right — they can't do that."

In her cell, at the other end of the corridor, Ethel knew that Julius had experienced a terrible shock at hearing her death sentence. In her heart, she had expected it almost from the moment the trial began. She described it to Emanuel Bloch. Something about the judge had struck her — the way he would tilt back in his chair to look at the ceiling disinterestedly whenever the defense tried to make a point. All through the trial she had noticed this. It was as though Kaufman was just "going through the motions," as though the trial was an irksome preliminary to his sentencing speech. If there had been any hopes or illusions, she had surrendered the last of them at the time he had so determinedly prevented the jury from hearing the reading of Ruth's cross-examination.

And after the verdict, when she had been brought back to the Greenwich Avenue jail, she had confided to a cell-mate (but not to Julius) her conviction that Kaufman was only a spokesman for the Government policy of being "tough on Reds" to the very limit. She had said quietly to her cell-mate, "They will show us no mercy."

One thing kept gnawing at her, however, as she paced up and down the detention cell. It was the blow which Kaufman had aimed at them as unworthy parents. He had said toward the conclusion of his sentencing speech:

"Indeed, the defendants, Julius and Ethel Rosenberg . . . were conscious they were sacrificing their own children. . . . Love for their cause dominated their lives — it was even greater than their love for their children."

It had almost stunned her, as she later told Mr. Bloch. It was a mean lie, a cruel lie. How often friends and even their child psychologist had criticized them for making their two boys the entire focus of their lives. If they were guilty of anything, it was their excessive devotion to their children.*

In describing what happened after Julius had cried out his reassurances to Ethel, their fellow-prisoner Terry recalled what Julius had subsequently told him. Ethel had suddenly become anxious about her husband's silence down at the other end of the cell corridor.

. . . She wanted desperately to assure him that she had not been crushed by Kaufman's icy last words: ". . . you are hereby sentenced to the punishment of death. . . ." She wanted to assure him that she was not feeling "down," that they must not lose hope, that their case was not ended yet, that during their appeals to the higher courts the truth would gradually become known of how they had been framed. And that, despite the black silence of fear, despite "the lies and smears," despite everything, once the facts were made known, there would be more and more people who would help. . . .

*The psychologist was Dr. M., who visited Ethel regularly in prison without fee, to discuss with her each stage in the difficult problem of the children's adjustment and her own.

Note: By way of rebuttal to Kaufman's sentencing remarks, there is the first-hand account of the Rosenbergs' concern for their children, as reported in the New York *Daily News* of March 11, 1955. The account dwells at length on Julius' "boastful" pride and anxiety for the "precious future of his children":

" . . . Like a million other fathers, he says: 'Mike has the most inquisitive mind. . . . I used to take him and Robby to the zoo, or the museum. He could ask more questions — intelligent ones, too — than ten kids.

" . . . Robby is the image of my wife, with his little rosebud mouth, black hair, black eyes and little nose. Like her he loves songs, pictures and story-telling. I wish you could see them. They're fine little fellows.' "

Concerning Ethel, the *Daily News* reports: "She was a loving parent, and a smart one. She read all the books on child psychology."

"I'LL BE JUDGE, I'LL BE JURY"

All this, she wanted to tell him, but in a ver Ethel to Julie. . . .

In the New York *Times* account of what follows there is only this terse description of what "the marshals guarding the Rosenbergs reported" that after

"Mrs. Rosenberg, who once studied voice, sang from 'Madame Butterfly,' and the popular Irene.' The husband sang 'The Battle-Hymn the marshals said."

And that was all. The reporters knew nothing of what they sang the songs they did and evidently making sense of this unique behavior in that strange local

It was, of course, the message of hope from Puc Ethel chose to sing to her husband. And she sang the original Italian, "Un Bel Di Vidremo" (One Day We Will Return). According to the account given by Terry, she sang in a high pitch and tone without the slightest tremor or quaver. The marshals joined the prisoners in a round of applause.

Suddenly Julius was heard calling to her, "Edith, sing the aria too!"

She did so promptly; it was "Ah, Dolce Notte" from the opera. And Terry recalls that she sang it so beautifully that most thought he was attending a concert rather than a trial. Up in the "bull pen" in the basement of the Foley Square Court House. And this is what he witnessed immediately after she finished singing the second aria.

One of the deputy marshals standing near Julius called out to the bars and said impulsively — almost as though he was talking out of him":

"Julie, they've marked you upstairs a lot. You're down here you're the luckiest man in the world. I've never had a woman who loved him that much."

All the others in the nearby cells heard the remark. He recalls, there was a kind of hush broken a moment later by a quietly spoken but bitter reply:

"Thanks. But look at it this way. I just got out because I'm supposed to be a big shot in an espionage case. I got \$1,000 here, \$1,500 there, toss \$5,000 to my brother. I never had the money to train that voice. I never did anything for her. Think about that."

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In the meantime, their fellow-prisoners had asked for encores, and to please them as well as to keep up their own spirits, Ethel sang "Goodnight, Irene," and kept on singing Julius' old favorites until the two were taken back to their different prisons an hour or so later.

But before their parting Julius joined in the songs; and he, too, had selected a message of faith and hope; one that had inspired a nation to its highest sacrifice "to make men free":

He hath loosed the fateful lightning of his
terrible swift sword:
His truth is marching on. . . .
I have read a fiery gospel, writ in burnished
rows of steel:
As ye deal with my condemners, so with you
my grace shall deal;
. . . Since God is marching on.
He is sifting out the hearts of men before
his judgment-seat:
O, be swift, my soul, to answer him! be
jubilant, my feet!
Our God is marching on.*

When the prison van dropped Ethel off at the Greenwich Avenue jail and Julius waved goodbye to her it was the last time they saw each other outside the death house in Sing Sing prison. But there, in the next two years and two months, although they were kept apart in different wings of the death house, they felt at least that they were under one roof again, and somehow this, too, helped them through the long ordeal - until they were finally joined by death on the 19th of June in the year 1953.

*"Battle-Hymn of the Republic," by Julia Ward Howe.

THERE was mounting tension all that day. It kept increasing steadily until the hour of execution when it reached its peak. Perhaps it was that so many new precedents had been established by this world-shaking case. Not the least of these was the unseemingly haste of the Supreme Court in vacating the stay granted only two days before by Mr. Justice Douglas.*

Indeed, the rush in official circles to execute the condemned couple was of such magnitude that it swept up even the President, for the text of his denial of clemency came less than thirty minutes after the Supreme Court's fateful announcement.

So excessive was the haste that the electrocution was moved up from the traditional hour of eleven at night to just before sundown. Reportedly done to avoid desecration of the Jewish Sabbath that Friday night, the change was all the more shocking to most religious people, both Jew and Christian. For it had been expected that the execution would be delayed until after the Sabbath to avoid ushering in the day with the shedding of human blood. Many were reminded of the High Priest Caiaphus and his frantic haste with the Roman soldiery to end the last agonies of the crucified before sunset in order to preserve the sanctity of that other Sabbath night.

Throughout the day commentators interrupted broadcasts to report on the hour-by-hour bulletins from the death house. The constantly repeated question was: Would the condemned finally con-

*The documentation for the following pages is from the New York Times of June 15-20, 1953. In addition, this writer interviewed Warden Denno of Sing Sing, Ethel's matron, Mrs. Helen Evans, and the New York Post correspondent assigned to report the executions.

Note: Those portions dealing with Judge Kaufman's views on the executions are based upon statements made during motion to reduce sentence and requests for stays of execution.

Concerning those portions dealing with the Rosenbergs' reactions to the coercive measures to make them "confess," these are based upon the many letters they wrote on this subject, published in their *Death House Letters*.

fess to their espionage activities and thereby save their lives — or would they go to their deaths with sealed lips, still insisting on their innocence? It was exceedingly strange that few of these commentators considered the possibility that if the couple were indeed innocent they could scarcely be privy to the secrets of an espionage ring.

There was considerable tension in official quarters that day. In Washington, D. C., the Attorney General remained in his office until the very end, for he had arranged an open telephone line direct to Sing Sing in the event of a last-minute confession. In New York City, in his chambers, the judge who had imposed the death sentences waited for word of final submission. More than once since the trial he had indicated his certainty that only the threat of the electric chair would force the convicted pair to recant and name their co-conspirators. How many execution dates had he set for them and how many times had last-minute reprieves cheated him? This time, however, one of them must break — if not the husband, then the wife.

Two long years he had waited for "proof" that he had been right — that they had had their full day in court, had had a fair trial, had received a just sentence. Their endurance had been the greatest possible strain on him. It had been a terrible war of nerves but he had held firm despite all the unfair vilification, despite all the appeals from the dupes and the do-gooders. Now the world would see — it was only a question of the breaking point — it could be any minute now.

There was very great tension throughout the world that day, but for other reasons than those offered by the commentators. Catholics in many countries had implored the Pope to intervene in behalf of the Rosenbergs and he had tried three times, to no avail. They could not comprehend how a civilized nation, professing belief in Christian ideals, could permit such torture and felt with His Holiness that to do this to a young mother of two small children was nothing less than abhorrent. From London, Paris, Rome, Vienna, Dublin and Melbourne came reports of mounting anger, shock and dismay expressed by millions of all religions, of all political shades of opinion.

In the Place de la Concorde tens of thousands gathered at midnight, but the American Embassy had called for a cordon of steel-helmeted poilus armed with machine guns and tear gas to keep the

protesting throngs at a safe distance. In London, of Big Ben neared the hour of one o'clock in the great crowd of people who could not sleep that before the entrance to 10 Downing Street, suddenly alone in the stillness the refrain from "Joe Hill" he . . ."

It was a unique thing — no two children in had become so known, so pitied, as the two lit. In Chicago, Los Angeles, San Francisco, in Milan even in places as far off as New Zealand and Iceland in prayer vigils that night, to pray for the of their father and mother. In the United States ten hopefully to the President for mercy or clemency it had been refused they were numbed with the sentiment. For the Rosenbergs had become a symbol. Their lives had come to express long-stilled hopes for lessening of world tension rather than a continuous arms race, for civilized negotiation rather than for peace rather than war. And now that the death it tolled not only for the Rosenbergs but for the

Within Sing Sing Prison itself there was also walls, barricading all approaches, was a veritable fortress, police and unknown numbers of Federal guards were under stern command to prevent any such as had taken place twenty-six years before in Sacco and Vanzetti had been executed.

Inside their cell-blocks were some two thousand waiting for the "grapevine" reports. All of them of the "dance party" to take place shortly. It was execution in the history of the prison. For more than had been conscious of the two "C.C.'s" — Count 110,510 and 110,649 — "sweating it out" over it. Many felt a strong empathy with them, not merely but as victims of stool-pigeon evidence. Very few selves with the legal question of guilt or innocence bled by the moral question: How could a society former as a patriot? How could such testimony Most revolting was the idea of a brother sending electric chair.

Many of them had followed the case over the years had heard of the Vatican's appeals for clemency,

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night grew silent be-
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had heard about the appeal from the President of France. They had never known of such international great intervening in behalf of an American prisoner. Under such extraordinary circumstances, they felt certain a reprieve must come — had to come. Their tension was simply the waiting for it.

In the visitors' room were packed thirty-eight reporters. Three others, representing the major wire services, had been selected to witness the executions and then brief the rest on the macabre details. Waiting, restless, they had little to do but chatter speculatively about which one of the pair would weaken first. Almost all fell to writing clichés about the burning sun setting inexorably over the Hudson and the ominous prison clock ticking away.

A few, however, had been waiting since early in the week. And, somehow, these four or five days of waiting had given them an inkling of what the two years must have meant to the condemned, especially to Mrs. Rosenberg, who had been kept in virtual solitary confinement. These few tended to remain apart from the general chatter. Instead they had begun to discuss, in discreet tones, of course, some of their increasing doubts. There was all the new evidence, never examined by the Supreme Court. There was the disturbing factor of accomplice testimony. Above all, there was the unusual severity of the sentences — not approved by any of the upper courts, not recommended by the original jury or even by the prosecutor, but imposed solely on the judgment of one man, the sentencing judge.

One reporter recalled a published letter by Mrs. Rosenberg. She had drawn a parallel between Judge Kaufman and the bloodthirsty John de Stogumber in Shaw's "Saint Joan," after Stogumber had staggered in from the spectacle of Joan's burning, almost demented by remorse:

"You don't know . . . it is so easy to talk when you don't know. You madden yourself with words . . . because it feels so grand to throw oil on the flaming hell of your own temper. . . . But when it is brought home to you; when you see the thing you have done; when it is blinding your eyes, stifling your nostrils, tearing your heart, then — then O God, take away this sight from me! O Christ, deliver me from this fire that is consuming me! She cried out to Thee in the midst of it: 'Jesus! Jesus!' She is in Thy bosom and I am in hell for evermore!"

"Julius and Ethel Rosenberg . . . went to their deaths with a composure that astonished the witnesses."

— New York Times, June 20, 1953

There was only one place where there was any semblance of calm and serenity that day. It was in the women's wing of the death house, where husband and wife were permitted to spend their final hours together, talking quietly through a fine mesh screen wheeled in front of her cell.

At 7:20 o'clock Julius Rosenberg said farewell to his wife by touching the tips of his fingers to hers through the mesh. He was then led to the special execution cell where the guards made final preparations — the slitting of the trouser leg, the shaving of the top of the head. Both were described as so extraordinarily calm even during these last forty minutes of life that the most hardened prison officials were amazed.

It was precisely 8 o'clock when Julius began to walk his "last mile" along that short, narrow corridor leading to the death chamber. Just ahead was the young rabbi intoning from the 23rd Psalm:

"Yea, though I walk through the valley of the shadow of death,
I will fear no evil; for thou art with me; . . . Thou preparest a
table before me in the presence of mine enemies . . ."

. . . Nearby, Julius saw the United States marshal waiting, still watching for any possible indication of compliance. He knew all about the fantastic choice now being offered them officially. He knew about the two FBI men stationed at the open telephone line, ready to relay to the Attorney General any sign of weakening. And although they had not told him he was the first to go he knew that too. For if Ethel had been scheduled to precede him, she would have had to pass by his execution cell.

. . . All he needed to do then, to save both their lives, was to nod his head to the marshal there and mumble the few words admitting the "truth" of the accusations; and later, to make it all the more believable, supply the "details" just as David Greenglass had done. It would be so easy. "Names" would be suggested, as well as places and occasions where he had conspired with the "names." What names? Any at all — Comrade X, Soviet Consul Y, Scientist Z — anything to keep the ball rolling. For "names" had become the vital grist for the vast propaganda mill — to keep up the scare headlines, to keep up the national temperature of feverish suspicion and con-

It was 8:08 o'clock when they led in Ethel Rosen was reading the psalms she had requested. And the doctors waiting self-consciously for their fee; and a man, poor man, waiting so long to earn his. And a

It was 8:02 o'clock when they sat him in the "chair." The witnesses said later that he had kept gazing calmly ahead, that there was a trace of a smile on his lips as the guards strapped him down. . . . Now they were adjusting the cathode to the leg and lowering the helmet to contact the shaven spot on the head. Ah, there was the Tempter standing against the wall, still waiting for the nod. And there, the three wire-service men waiting to report with clinical accuracy any possible reflex that might denote fear or cowardice. Or did they perhaps expect a final statement, the traditional last favor extended to him about to die?

... Now, as the guard approached with the mask, now, if any time, was his last chance to repeat their three-year cry of innocence. But, oh, why repeat the wearisome refrain? How many statements had been offered and still remained unprinted? Not merely statements but photographs, photoscans and affidavits — documented proof of the sordid perjuries, of the prejudicial conduct of the

g the courtroom, throughout the trial by all the new evidence learned and confirmed the case as they did War, now ex- of scapegoats?

of silence. What the trial, written : Court of Utah? fore instances" of chairman of the Court of Illinois? ear, from priests, he heads of state, e three thousand n scornfully dis- d reached public

might say it, they play that phrase nspulsion for mar- ous instant here : was this desper- of silence at the world . . .

berg. The rabbi re were the two here the electi- there the vari-

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ous witnesses, some still unrecovered from the shock of silence they had been left with only a moment or two before. And there was the waiting marshal, still hopeful.

. . . Yes, of course, she knew. For she had just passed his vacant cell. But she had known it in her heart the instant it happened, just as she knew the reasons why they had held her to the last. On the one hand, they had calculated that with the man out of the way the woman would no longer be under restraint or feel the shame of betrayal as keenly. On the other hand, they had reckoned that since she was of the trailer sex the confrontation of actual death would finally shatter her will to resist. Undoubtedly, too, they counted strongly on the pull of her children.

. . . Ah, my sweet, precious ones — at least you are innocent. And yet, what have they not done to you? You are already fatherless and I am a widow and soon you will be orphaned. But would you want me at all for your mother if I were to lie about your father's life and heap dishonor on his memory? You know how much he endured, how long he cried out his innocence. You know, despite all that was done to him and his, the depth of his faith in the power of truth and how that faith sustained us all. And now at the last, to have his own wife be so corrupt as to play the role of harlot to political procurers! Oh, no, my sons, you would not want such a mother, no matter what the reward.

"In thee, O Lord, do I put my trust; let me never be ashamed. . . . For I have heard the slander of many: fear was on every side: While they took counsel together against me, they devised to take away my life."

. . . And now the scribes were scribbling down how she had been dressed for death — in ill-fitting cotton and shuffling felt — how she might falter, or recoil, or just freeze fast. Oh, what did they want of her, pursuing her even into the sepulchre? Oh, you sophisticated and cynical ones — I ask how any of you would feel if you and your beloved were torn from the arms of your children and from each other, accused of a vile crime you did not commit. What feelings would you have toward those mocking your innocence after three years of such inconceivable agony that no power of language could possibly describe? What answer would you find to give your tormentors? Would you be so gracious as to oblige them? Would you be so forgiving as

"Let me not be ashamed, O Lord; for I have called upon thee: let the wicked be ashamed, and let them be silent in the grave. Let the lying lips be put to silence; which speak grievous things proudly and contemptuously against the righteous."

to relieve them of their guilt? Would you exonerate them of all their crimes, those committed against you and those they would still perpetrate against others like you? Would you, fully understanding their base motives and evil plans, become their willing creature and read too? Would you, or could you, tear out from yourself that always-true-to-yourself and consent to a bargain of abomination? Would you betray every moral principle, conviction and life-cherished idea and so befoul yourself that you could never bear the stench, no matter what the rationale? And would you, in branding yourself, compound hideous crime, and brand your own children forever as the sons of spies and traitors?

. . . It was 8:10 o'clock. There was the chair, its thick, black straps, its dangling wires — the twentieth-century torture-rack designed to send her reeling in horror, send her crawling, terrified, to the feet of these agents of the Grand Inquisitor. There was the quitenessence of the "Third Degree," meant to wring from them the "mea culpa" that would turn them into a pair of puppets to be carried from courtroom to courtroom to mouth falsehoods against other heretics. There was the diabolical prod devised by their judge to make them toss terror-stricken each night with the dread of its proximity and scream out finally, "We'll talk — we'll talk!"

. . . But oh, you scribes — we have talked. For three years we've talked of our innocence and sworn to it before God and man. Do you imagine this shameful contrivance will do what a thousand days and nights would not? Did you hear any guilt from the lips of Socrates or Bruno or Joan? Don't you remember what was done to wrest a confession from Captain Dreyfus? Or if that is too far afield, perhaps you will recall what you did here in Georgia to Leo Frank? And if that is too far South, what you did out West to Tom Mooney, and down East to Sacco and Vanzetti? Did you extract any guilt from the nine Negro boys in Scottsboro? Then, too, you shrugged off the protests of good and decent Americans, all the truly patriotic who sought to save them, as Reds and dupes. All through the bloody history of hatred of the dissenter, you tried to ease your consciences by calling them would-be martyrs. But look back at history, you smug

and self-righteous ones — and see who were the innocent and who the guilty, who the dupes and who the patriots . . . !

Later, the witnesses reported that she had a soft and wistful smile as they had led her to the chair, a Mona Lisa sort of smile. Perhaps it was this apparent resignation that made what happened thereafter appear so startling, because:

“ . . . Just before she reached the chair, Ethel Rosenberg held out her hand to the prison matron, Mrs. Helen Evans. As the latter grasped it, Mrs. Rosenberg drew her close and kissed her lightly on the cheek.”

Although this simple act, taking place only a minute or two before a woman turned to face a gruesome death, has been variously described, none of the reporters seemed to have grasped the significance of the profound message it left to the world.

In all the extra editions of the nation's press, thousands of words were devoted to the most morbid and sadistic details of the executions — the sizzling and frying sounds that issued from the writhing flesh of the dying, the quantity and duration of jolts of electricity required, the color and density of the smoke that plumed upward from the scared bodies — but not one word appeared in evidence of the slightest understanding or willingness to understand an event which these newsmen themselves reported:

“ . . . startled the guards and witnesses more than anything in the entire electrocution.”

And yet, whether consciously or intuitively, tens of millions did understand — that that last embrace was the sealing of a sacred covenant made with all humanity who shared faith with them that a world of “brotherhood and peace” was worth fighting for and could be won. For with that warm handclasp and tender kiss Ethel Rosenberg was passing on her undying faith and courage to all who treasured truth and justice, to all who could understand or come to understand what they had lived and died for.

APPENDIX 1

Rogge inter-office memorandum re discussion with David Greenglass concerning his interrogation by FBI.

MEMO

TO: FILE
FROM: HJF

11:45 a.m.
6/16/50

Re: DAVID GREENGLASS

Appadices

After conferring with OJR and the subject's brother-in-law Louis Abel, this morning at our office and pursuant to telephone call made by OJR, I visited the offices of the FBI on the 6th floor of the Federal Building where I spoke with Mr. Whelan, apparently the Agent in charge.

He told me that Greenglass was down the hall and that I could see him and that he had signed a statement indicating that he had met Harry Gold and that he had transferred information to Gold.

He further told me that the matter was being taken up with the Department of Justice and that the probability is that a complaint will be filed in Albuquerque, New Mexico charging conspiracy and advised me that I could see Greenglass if I wished. I told Whelan that we did not represent him as yet and I wanted to see him in connection with finding out what this was all about and whether we would represent him.

He permitted me to see Greenglass on the basis of OJR's phone call and OJR's statement that we had been requested to represent Greenglass.

I then was taken to a room down the hall where I was introduced to Agents Frutkin and L., who were in an office with Greenglass. After shutting the window I was told that I could see him alone if I wished but that they would prefer to have a man present. I asked Greenglass what he would prefer and he said he would rather see me alone whereupon the agents left the room but kept the door open. Greenglass confirmed that he had given a statement that he had met Gold for an hour, that he had given him some information concerning the names of people who would be sympathetic but he thought that Japan was the enemy and Russia was an ally and there was no reason why information could not be given. He had told the FBI that he received \$500 from Gold.

He told me that he had made a number of confusing statements purposely in order to confound the FBI and to draw attention from his wife who is in the hospital. His wife apparently originally told him that his brother-in-law, Julius Rosenberg, had suggested this (and so I fail to see how his mind operated in connection with keeping his wife out of the picture).

He told me further that Julius Rosenberg is apparently very close to this whole situation. Julius Rosenberg had once introduced him to a man in a car some where in New York who apparently made this request. He does not know if the man was a Russian and told the FBI that he didn't know.

APPENDIX 2

Handwritten statement by David Greenglass to Rogge office reporting his interrogation by FBI; dated June (17), 1950.

Saturday
June 1950

These are my approximate statements to the F.B.I.

1. I stated that I met Gold in N. M. at 209 N. High St. my place. They told me that I had told him to come back later because I didn't have it ready. I didn't remember this but I allowed it in the statement. When he came back again I told them that I gave him the envelope with the stuff not expecting payment and then he gave me an envelope. Later I found that it contained \$500.

2. I told them that on a visit to me in Nov. 1944 my wife asked me if I would give information. I made sure to tell the F.B.I. that she was transmitting this information.

from my Brother in Law Julius and was not her own idea. She was doing this because she felt I would be angry if she didn't ask me.

I then mentioned a meeting with a man who I didn't know arranged by Julius. I established the approximate meeting place but no exact date. The place was a car an Olds owned by my father-in-law, at somewhere above 42nd St. on 1st Ave. in Man. I talked to the man but I could recall very little about which we spoke. I thought it might be that he wanted me to think about finding out about H.E. lens's used in experimental tests to determine data on the a bomb.

I made a general statement on my age etc. you know the usual thing.

I mentioned no other meeting with anyone.

One more thing, I identified Gold by a torn or cut piece of card, but I didn't tell them where or how I got it. Also I definitely placed my wife out of the room at the time of Gold's visit.

Also I didn't know who sent Gold to me.

I also made a pencil sketch of an H.E. mold set up for an experiment. But this I'll tell you I can honestly say the information I gave Gold maybe not at all what I said in the statement.

APPENDIX 3

Rogge inter-office memorandum re conference with Ruth Greenglass concerning her husband's arrest.

MEMORANDUM

TO: FILE
FROM: RHC

June 19, 1950

Re: David Greenglass

OJR and I visited Mrs. Greenglass at her home, 285 Rivington Street, Brooklyn, New York, at 4:00 P.M. Sunday, June 18, 1950. She was in bed as she had just returned from the hospital.

We first discussed the question of arranging a meeting of various relatives at our office to discuss financial problems. The relatives proposed are as follows:

- | | |
|--|--|
| 1. Abe Feit
1039 Union Street
Brooklyn, New York
Tel. STerling 3-6473
Business Address:
810 Washington Street
Tel. ST 3-6073 | 3. Norman Brown (Friend of the family)
7981 Louis Street
Telephone OR 4-3609 |
| 2. Mr. Feit is father-in-law of
Louis Cohen,
80 Lefferts Avenue
Telephone: Jacob Cohen & Son
Buckminster 2-7103 | 4. Barney Zerkel (A cousin)
2124 East 26th Street
Telephone: DE 2-0312 |
| | 5. Sam Greenglass
1384 Carroll Street
Telephone: |
| | 6. Rose Stein (Friend) |
| | 7. Stella Silverman (Friend) |

There was subsequently present during the conference: Issy Feit, Sam Greenglass, Bernard Greenglass, and Louis Abel.

Mrs. Greenglass discussed her visit to New Mexico. She was there between March 1945 and March 1946. They had been married in 1942. She feels that New Mexico is a very bad place to try the case since the citizens did not like GI's because of the big boom and then the big slack, because of anti-semitism and because the local citizens all felt bitter about the wives of the GI's taking jobs there. She was employed in Albuquerque by the OPA and temporarily by the Soil Conservation Office.

As to her husband, she stated that he had a "tendency to hysteria." times he would become delirious and once when he had the grippe through the hallway, shrieking of "elephants," "Lead Pants."

She had know him since she was ten years old. She said th

Note: All typographical errors are preserved as in the origi-

Handwritten statement of David Greenglass as printed on pp. 637 and 639.

things were so even if they were not. He talked of suicide as if he were a character in the movies but she didn't think he would do it. They had been under surveillance by the FBI for several weeks. In particular, they had noticed a car of the Acme Construction Company, 1400 First Avenue in Manhattan. She ascertained there was no such Company. (There is an Acme Construction Company at 1402 Fulton Street in Brooklyn.) She was interviewed at the hospital by two FBI men, Mr. Tully and Mr. Woolf. One was tall, ruddy and dark. The other she described as toothy and short. They assured her that they had nothing against her. She described her stay in Albuquerque and stated that she could not remember all of her addresses. Since it was difficult for GI's to get rooms for a long period, they had lived in five or six places. She had only been to Los Alamos to a party for a few hours one time. She had remembered no visitors at her house. She had notice of the project and signed an affidavit for it. She knew her mail was censored. She would not have allowed her husband to bring anything home after Hiroshima had disclosed what the project was. She intended to raise a family and did not want that kind of material around. In the future she will refer everyone to her lawyer.

She pointed out Dave did not ask for the job; that he was going overseas; that they have been watched constantly, and feels as if they are the object of persecution. Shortly before their accident the FBI asked if they had a specimen of uranium in the house, in the course of what they call a routine investigation. One of their friends had a similar experience.

People in the neighborhood want to raise a petition.

All newspapers are to be referred to her lawyer.

People keep flocking in the house to offer support and advice including that perhaps a right-wing lawyer should be selected. The Jewish Daily Forward, which is certainly not a leftist newspaper, is very excited about the anti-semitic issue and has offered a lawyer. Mrs. Greenglass urged OJR to try to get a court appointment for himself and he agreed to try. OJR pointed out that if Dave was innocent he should talk; that if not it would be advisable not to talk but to let the Government prove its case. The third course was that of cooperation. That was also discussed at length.

There was a long discussion at OJR.

Questions to be looked up:

1. Was the arrest valid — was he held in detention before the complaint issued?
2. What is the effect of the complaint?
3. What do the cases hold on the intent to harm the Government?
4. Statements of Co-Conspirators.
5. Venue.
6. Joinder.

APPENDIX 3A

Rogge inter-office memorandum re transfer of David Greenglass to the "11th floor" of the Tombs.

TO: HJF
FROM: RHG

M E M O

Re: Greenglass

7/20/50

Saypol called me today and I returned his call. He stated as follows: "I have made arrangements to have your man Greenglass transferred to the Tombs Prison, 11th Floor, where he will be more comfortable and also because it is desirable to take him away and keep him separated from Rosenberg. I assume you agree."

I stated that it seemed perfectly agreeable to me and asked whether Greenglass had been told about the reasons. Saypol said he was not sure whether he had but seemed to indicate that he would be told.

Saypol requested in referring to where he is stationed, if we did refer to it, we simply mentioned the Tombs and not mention that it is the 11th floor.

APPENDICES

APPENDIX 4

Rogge inter-office memorandum re discussion with Ruth Greenglass concerning "suspended sentence" for David Greenglass.

TO: OJR
FROM: RHG

M E M O

Re: Greenglass

8/21/50

I spoke to Ruth Greenglass this morning. She is feeling better and so is Dave apparently about the fact that they were not named as defendants. From Helen I learned that she may have been a little upset about it originally but now she feels the thing is moving smoothly.

However, Dave is worried about something else which I was able to reassure him through Ruth. Some of his cellmates in the Tombs have been telling him horror stories about the treatment he will get. I told her that we were happy to say that few of our clients went to jail but those who did had never had such a complaint. I further assured her that Saypol would not permit any mistreatment. But the thing that impressed her most however was that I told her that you were on friendly terms with Bennett, Director of Prisons. This impressed her because she feels that Dave may not get a suspended sentence and is worried about the kind of treatment he will get. I assured her that if he does go to jail for a period of time that you would certainly not hesitate to speak to Bennett and to make sure that Dave got good and fair treatment.

APPENDIX 5

Rogge inter-office memorandum re "deal" for David Greenglass.

M E M O

8/23/50

FROM: RHG
TO: FILE

Re: Greenglass

Lane, the Assistant U.S. Attorney, called me at 1:00 o'clock and told me that something important had come up with respect to New Mexico and would I and/or Fabricant see him this afternoon. I told him that I could and HJF would come with me.

Lane wanted to know when OJR would return and I told him that we had expected him and in fact were trying to ascertain exactly when he would return. HJF and I went over to see Lane at 4:00 o'clock. He told us that Bloch had earlier in the day argued to the judge at the arraignment of his clients that they were absolutely innocent and that from the fact that Greenglass was not indicted but merely named as a co-conspirator in the New York indictment, it looked to Bloch as if the government had made a deal with you as Greenglass' attorney. Lane felt that we would now have to consider the question of whether it was OK that Greenglass be indicted here in a superceding indictment and not merely named as a co-conspirator. He would then be a defendant and be tried here in New York but would testify against the others. (See also the New Mexico clipping)

The New Mexico District Attorney, acting on instructions from the Attorney General's office, with whom Lane had been in touch, would agree to such a procedure. Lane pointed out that he thought it was obviously advantageous for both sides for the matter to be decided in New York. HJF told Lane that if there was no hurry we would not want to give a definite commitment but that it would seem that such an arrangement would probably be approved by OJR.

I thought at least that I should make a purely off the record inquiry as to whether Dave could not testify as a co-conspirator in New York but not as a defendant and that the question of his plea be postponed. But Lane said that something should be done on this before September 6th and reiterated again it was to our advantage not to take any chance of getting before a judge in New Mexico, clearly indicating that he felt that in a small state like New Mexico they might well prefer to give a good stiff sentence (of course he added he did not want to sell us on anything, and so forth).

There was no indication that Ruth is to be indicted and neither Herb nor I wanted to raise the point. I had the inference that they were not planning to indict her but I could be wrong and I didn't even want to ask the question, though you may desire to do so.

Lane also informed us that he believed they found nothing on the bag in the way of fingerprints.

There was some discussion between HJF and Lane on the question of Sobell but Lane did not know what Sobell planned to do.

I think it best not to discuss this with Ruth until you return as she might get a somewhat excited about it and at any rate we don't have to do anything before September 6th.

THURSDAY
We learned today that Lane thinks that
L. [unclear] agree to a few [unclear] indictments; the
New Mexico people would all be sent
here and then there would be the N.Y. indictment

*At 6:30 I had lunch with Ruth, Peter, and HJF.
We looked at Peter's articles. They look
O.K. but HJF as a precaution, told
Lane previously he would meet Peter,
who already had 2 conferences with Sygort,
to show him draft of the articles to
Sygort or Lane.*

APPENDIX 6

Rogge inter-office memorandum re "deal" for Max Elitcher.

TO: OJR
FROM: HJF

MEMORANDUM

March 19, 1951

Re: ELITCHER

In connection with our conversation this morning wherein I told you of Elitcher's particular problem concerning which you suggested that it would be profitable to speak with MacInerney, the following is a thumb-nail sketch of the client.

He was a City College classmate of Rosenberg, Sobell, Perl, et al. After graduation from City College in 1938, Elitcher was employed by the Navy Department as electrical engineer. His work for the Bureau of Ordnance was primarily in the field of fire control.

As appeared from the trial, with the Rosenbergs and Sobell, Elitcher had joined the Communist Party and was on the fringe of the spy apparatus created by Rosenberg. Elitcher never gave any classified material or other information to Rosenberg. However, he was constantly sought out and urged to participate in the espionage activities of the latter.

In 1948, he resigned from the Navy Department and took private employment with the Reeves Instrument Co. in this city where he was a project engineer in the field of fire control. The work which he did was classified and Elitcher never did receive clearance from the Navy for this private employment. Sobell was employed in the same plant and in a similar capacity.

In July, 1950, Elitcher was interviewed by the FBI and even from the inception of this interview to the present time, he and his wife have cooperated fully with the government in connection with their prosecution of the aforesaid espionage ring. As you know, Elitcher and his wife testified before the grand jury not only in connection with the conspiracy indictment but subsequently in connection with the indictment of Perl for perjury.

The importance of Elitcher's cooperation cannot possibly be underestimated since he was the government's lead-off witness and provided the testimony which links Rosenberg and Sobell.

Shortly before the spy trial got under way, it was suggested to Elitcher by Reeves that it would be best if he resigned from his employment with Reeves Instrument Co. Elitcher did resign effective as of the last working day prior to the beginning of the trial.

He has never been named as a defendant or as a co-conspirator in any prosecution and it is reasonable to assume he never will be. It is equally reasonable to assume that his cooperation in subsequent prosecutions by the government will be essential to the success of said prosecutions and it is also apparent that Elitcher will continue to cooperate.

At the present time, Elitcher, whose income in private employment was \$8,000 range, would find a ready demand for his services at salaries in the \$8,000, needs a profitable employment and preferably in the field in which his qualifications are tops, to wit: fire control work.

It is evident that he will not be employed until his loyalty and security are cleared up. Whereas, normally an engineer with his qualifications employed with clearance to follow, here Elitcher feels quite correct not go to a prospective employer without relating some of the heretofore transpired. This recital would in all probability nullify the usual course of security clearance. Under the circumstances, Elitcher would like or otherwise some procedure whereby his security status is cleared up whereby he could be employed with a full recital of clearance.

In other words, if Elitcher could be assured that either in classified or other electrical engineering

APPENDIX 9

Affidavit of Leon Summit re discovery of Console Table, together with Exhibits I and II.

AFFIDAVIT IN SUPPORT OF PETITION
UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT
OF NEW YORK
UNITED STATES OF AMERICA
against
JULIUS ROSENBERG and ETHEL ROSENBERG, Defendants

STATE OF NEW YORK,
County of New York, ss:

Leon Summit, being duly sworn, deposes and says:

I reside at 77 Frankel Boulevard, Merrick, L. I., New York.

I am a newspaperman by profession and I am presently employed by the National Guardian, a weekly newspaper, with offices at 17 Murray Street, Borough of Manhattan, City of New York.

I was assigned by my newspaper to make an investigation with respect to testimony at the trial of the aforesaid defendants concerning a certain console table, and I attempted to locate the said console table.

I had conversations with Ethel Goldberg, a sister of the defendant, Julius Rosenberg, and ascertained from her that the console table in question was located at the home of Sophie Rosenberg, the mother of Julius Rosenberg, residing at 36 Laurel Hill Terrace, in the Borough of Manhattan, City of New York.

In or about the early part of March, 1953, I visited the aforesaid apartment of Mrs. Sophie Rosenberg and saw in the living room thereof a console table. I was accompanied by a photographer and caused photographs of the said console table to be made in various views. The photographs of the said console table are hereto annexed and marked Exhibits "A" to "F" inclusive. The said console table was the only console table I saw in the home of Mrs. Sophie Rosenberg.

Thereafter, and on or about March 20, 1953, I traveled to the home of Mrs. Evelyn Cox, 147-16 110th Road, Borough of Queens, who was one of the rebuttal witnesses on behalf of the prosecution at the trial of the above named defendants. I was accompanied by Reverend H. S. Williamson, whose affidavit is hereto annexed and made part of these moving papers. I stayed outside in the automobile while Reverend Williamson went up to Mrs. Cox's home. A few moments later, Reverend Williamson came down and told me that Mrs. Cox was not at home and was not expected until a few days later. March 20th was a Friday.

On Monday, March 23, 1953, Reverend Williamson and I, accompanied by a Mr. Malloy, again traveled out to the apartment of Mrs. Cox. This time I had the console table in question in my possession, which I had seen in Mrs. Sophie Rosenberg's home, the photographs of which are hereto annexed and marked Exhibits "A" to "F" inclusive. I obtained possession of the said console table from Mrs. Sophie Rosenberg early that morning before I picked up Reverend Williamson and Mr. Malloy. I placed the console table, which I received from Mrs. Rosenberg, in my automobile in which the three of us traveled to the home of Mrs. Cox.

When we arrived at her house, I remained in the automobile, while Reverend Williamson and Mr. Malloy took the console table and the aforesaid photographs out of the car and brought the same up to the home of Mrs. Cox for purposes of identification and verification. Reverend Williamson and Mr. Malloy spent about two hours in the home of Mrs. Cox and then returned.

Reverend Williamson, upon his return, told me that Mrs. Cox had recognized the console table and stated that it looked like the console table that was formerly in the home of Julius and Ethel Rosenberg at 10 Monroe Street, in the Borough of Manhattan, City of New York. He also said Mrs. Cox identified the photographs

as accurate photographs of the console table. Rev. Williamson also told me that Mrs. Cox stated that "This table looks like the one that was in their [Rosenbergs] house but I will not submit an affidavit that this table is the exact table" in accordance with the phraseology of an affidavit that Reverend Williamson and I had in our possession on that date for signing by Mrs. Cox. Reverend Williamson also told me that Mrs. Cox said that we could return the following night with an affidavit that the console table exhibited to her "closely resembled" the console table in the Rosenberg home.

The following night, namely, March 24, 1953, Reverend Williamson and I returned to Mrs. Cox's home. This time I entered the home with Reverend Williamson. I had with me a corrected affidavit to conform to the phraseology demanded by Mrs. Cox. I also brought with me the photographs, Exhibits "A" to "F" inclusive, annexed hereto. We saw Mrs. Cox. In the course of the discussion Mrs. Cox made statements, the exact verbiage of which is hereto set forth in Exhibit I attached to this affidavit.

On the following afternoon, March 25, 1953, Reverend Williamson and I again visited Mrs. Cox's home. Mrs. Cox was not present but we spoke to her daughter, Mrs. John J. Capello. She made certain statements which are set forth herein in Exhibit II, hereto attached to this affidavit, which represent the substance of her thoughts at that meeting.

On March 27, 1953, Reverend Williamson and I again returned to Mrs. Cox's home and again Mrs. Cox was not at home. Her son-in-law, Mr. Capello, stated at that meeting "My mother-in-law says it looks like the same table but how does she know it's really the same one."

On March 28, 1953, Reverend Williamson and I again returned to Mrs. Cox's home and did see Mrs. Cox. Mrs. Cox restated substantially what she had told us on March 24, 1953. On this last occasion, as on previous occasions, when she discussed the console table with Reverend Williamson and myself, she said in substance that she was sick and tired of this case and did not desire to become involved again.

The above facts represent the upshot of our transactions and conversations with Mrs. Cox concerning the console table.

From the time that I obtained possession of the console table from Mrs. Sophie Rosenberg on March 23, 1953, and up to and including the present, I have had the console table in my sole possession and have always had the same under lock and key, and access to the said table was had solely by me. Indeed, I had a special lock made to insure that the said console table would not be stolen or tampered with in any way by any person. The only exception was at a rally held at Randall's Island a few weeks ago on a Sunday, when the said table was exhibited to the general public who were in attendance or members of the audience at that meeting, but I was always present and had the console table under my supervision and control.

Leon G. Summit
Sworn to before me this 2nd day of June
Gloria Agrin, Notary Public, State of
Comm. Exp. March 30, 1954.

EXHIBIT I

Mrs. Cox: "I looked the table over and it's the same one in ' looks like the table the Rosenbergs had in their apartment, or new and this one is used."

"I won't sign an affidavit, but I'll swear in any court in th like the table the Rosenbergs had in their apartment."

"Nobody could swear this was the very same table witho time. But I know this looks like the same table and I wor

"I recognized that table. It looked just like the Ros

that. But I can't swear it's exactly the same table. The pictures look like the table the Rosenberg had."

EXHIBIT II

Mrs. Capello: "Mama. It looks like the same table, but how can she swear it is the same table."

"From the day those F. B. I. men brought Mama home from the trial until the day you came here with the table. Mama never said one word about the Rosenbergs or what went on at the trial or what she testified or anything else about the trial."

APPENDIX 10

Affidavit of Rev. H. S. Williamson re Console Table.

EXHIBIT TO SUMMIT AFFIDAVIT
UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT
OF NEW YORK
UNITED STATES OF AMERICA
against
JULIUS ROSENBERG and ETHEL ROSENBERG, Defendants

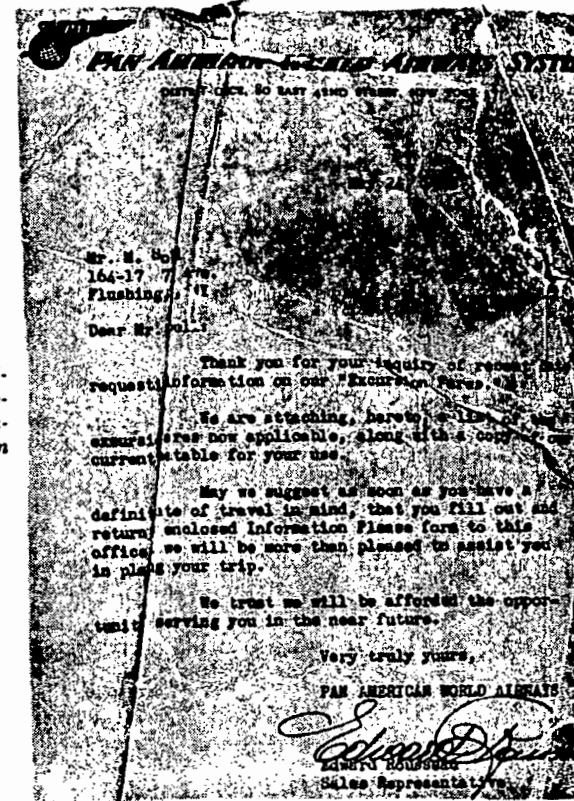
STATE OF NEW YORK,
County of New York, ss:
Reverend H. S. Williamson, being duly sworn, deposes and says:
I reside at 467 West 164th Street, in the Borough of Manhattan, New York City,
and am an ordained minister in the Constitution Church.
I have read the affidavit of Leon Summit verified this day, hereto annexed, and
I believe all the statements and averments therein contained concerning meetings
and transactions with Mrs. Evelyn Cox, at which I participated and had knowl-
edge of, are true and accurate. I also aver that the conversations that I had with Mrs.
Cox at her home on March 23, 1953, were as related in Mr. Summit's affidavit in
which he sets forth my relation of my conversation with Mrs. Cox that day.

H. S. Williamson.

Sworn to before me this 2nd day of June, 1953.
Gloria Agrin, Notary Public, State of N. Y.
Comm. Exp. March 30, 1954.

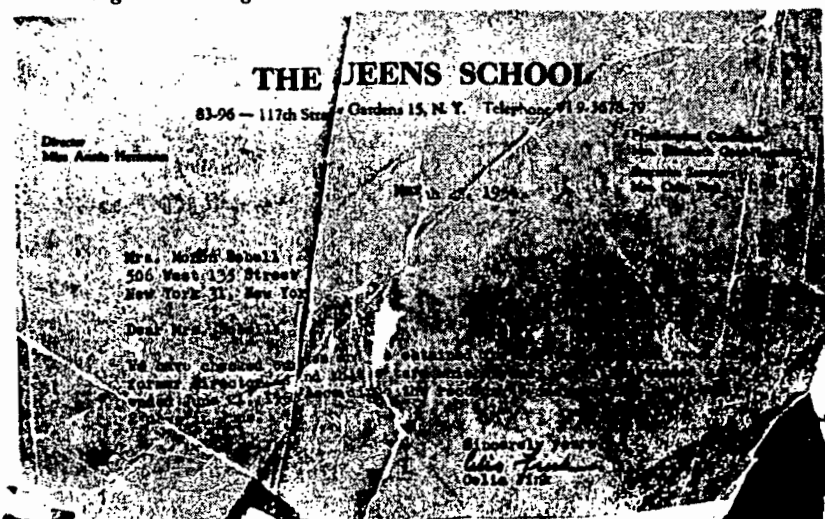
APPENDIX 11

Letter from Pan American substantiating Sobell's plans for a vacation trip to Mexico in 1948.



APPENDIX 15

*Letter from school confirming termination regard-
ing Sobell's daughter.*



APPENDIX 14

Affidavit of Morton Sobell describing trip to Mexico and reasons for not taking witness stand.

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

.....X
UNITED STATES OF AMERICA,

Appellee,

— against —

MORTON SOBELL,

Appellant.

.....X

STATE OF CALIFORNIA } ss.:
COUNTY OF SAN FRANCISCO }

MORTON SOBELL, being duly sworn, deposes and says:

I am the defendant and appellant involved in this motion, and I make this affidavit in opposition to the motion of the United States Attorney to cause to be summarily affirmed, the decision of June 8, 1953, in which I was denied a new trial on the ground of newly-discovered evidence, or relief under Section 2255 of Title 28, U. S. Code. This affidavit is also submitted in support of my attorney's motion to extend his time to file the record or docket the appeal.

The unusual sequence of events which led to the filing of the motion for a new trial, which is recited in the affidavit of my attorney in the District Court, sworn to June 5, 1953 and quoted in his affidavit, submitted herewith, sworn to September 8, 1953, brought about a situation where I was obliged to make a decision to join in the motion made in the court below, because of the substantial merit of the evidence submitted, without being able to submit an affidavit of my own in support of the motion. The action of the Attorney General in transferring me to a penitentiary which was the most inaccessible to my attorney, and the furthest removed from the pending litigation in the case, prevented me from adding the following statement which would have been material and relevant on the new trial motion.

While not a part of the record appealed from, I respectfully ask the Court to take into consideration the following as being, in substance, an "affidavit of merits" on this motion. I am impelled to submit this affidavit particularly because my counsel have informed me that at every stage of this proceeding, since the trial, the United States Attorney has stressed in oral argument and affidavit, the fact that I did not take the stand in my own behalf, at the trial. It is highly inappropriate in this case that this fact be given any significance whatsoever, for the following reasons, which I owe it to myself and my family to bring to the Court's attention.

I wanted to testify on my own behalf at my trial. I did not do so because my trial attorneys insisted that I should not, because (1) of the fact that the case that the prosecution had put in against me was so weak that my innocence was clearly established; and (2) that it was so clear that I had nothing to do with any atomic espionage conspiracy (As Judge Kaufman later admitted in sentencing me) that it would necessarily follow that I would be freed. Judge Frank's dissent from the affirmation of my conviction, while illustrating that my trial attorneys were motivated by reasons of substance, was nevertheless only a dissent, and hence I now know I should have insisted on telling my story.

I am completely innocent of the charges made against me. The fantastic tale Max Elitcher told about a wild midnight ride to Julius Rosenberg's apartment is untrue, and I had thought this to be plain, particularly since he admitted at the trial that he did not concoct it until after several interviews with FBI agents, several months after he first was "persuaded" to cooperate with them. The balance of his testimony against me, which consisted in not a scintilla more than the

insinuation by him of a reference to "espionage" in innocent and routine conversations I had had with him, is likewise untrue.

The only other testimony concerning me at the trial related to a trip to Mexico which I made with my family, which had nothing to do with espionage, which only after the trial did I realize was given significance by court and jury of all proportion to what the facts actually showed. It was only after the trial that I realized how this testimony was misconstrued and misused, and to the record clear, I want to tell the whole story now.

My wife, daughter, infant son and I left New York in late June, 1950 for Mexico City. This was no suddenly developed plan. I had become dissatisfied with work in the summer of 1949, but I couldn't very well leave then because in the middle of a big project at the Reeves Instrument Company, where I was in charge of the design and manufacture of a special radar computer known as a Plotting Board, and to have deserted it in midstream would naturally prejudice opportunities for future employment. During the following year I investigated several positions but couldn't find anything like what I wanted. I was really interested in getting into more basic research or an academic position.

My project was completed by June, 1950. At about the same time my daughter's school term ended, my wife's graduate physics course at Columbia was winding up. My own course I was teaching at Brooklyn Polytechnic Institute, a graduate course on "Feed-back amplifiers," came to its summer recess. None of us had any special ties keeping us in the city, so we decided to go to Mexico. As my attorney showed on his motion for reduction of my sentence, we had been planning and dreaming of such a trip for several years, and had documentary evidence to prove it.

Although we naturally made no public announcement of our plans, there was no secret about it either. I wrote my employer for an indefinite leave of absence, applied for and obtained necessary visas from the Mexican consul in New York (which the prosecution must have known but denied to the Court), and bought round-trip tickets at the American Airlines ticket office. On the way, I had customs officials at Dallas examine and make a record of my foreign-made car, so I wouldn't have to pay duty on them when bringing them back into the country. In Mexico City, we rented an apartment for a month or two, where the family stayed all the time we were there.

There was one aspect to the trip, however, which differentiated it from a routine vacation. I was not alone, in mid-1950, in having become apprehensive of signs of political intimidation and repression in this country — the inquisition, purges and political prosecutions — which were products largely of the cold war. Although a scientist, I was not oblivious to political developments, and in common with many other scientists, saw a danger to my future in the oppressive atmosphere in which we had to work. My wife and I talked about saving our children from the terrible things the world had seen occur in Nazi Germany. We had at least half an idea we could escape their threatened repetition here. We both engaged in left of center political activities in college days. I never saw people, including distinguished scientists like Dr. Condon, harassed and persecuted for no more than their opinions and associations. All this, coupled with my dissatisfaction with my job anyway, and the fact that we had saved up money meant that when we left, we just didn't know whether we would come back or not. I recall thinking that Mexico might offer me a real challenge and opportunity — a country that, in my technical, engineering field, was really in its pioneer days.

In Mexico, there were more typical examples of our indecision. On one occasion, in Mexico City, I talked to a travel agency about an Italian Line ship to sail from Vera Cruz to Havana, and from there to France and Italy. But I was only for the price to Havana, and how much it would cost to fly from there to the United States — and made no reservation for anywhere. Again, we bought our adult American Airlines return trip tickets that were good for only 15 days, but kept the one for our daughter that was good for six months.

Then, in the midst of our uncertainties, the newspapers suddenly published news of Julius Rosenberg's arrest as an alleged "atom-spy." To me, the charge

was absurd, but nonetheless frightening in what it meant. I had known Julius in City College years before, we had been together in a number of progressive student organizations during our college days, and had seen each other infrequently since then. I felt that he was being persecuted for political reasons and that the charge was calculated to intimidate and silence political dissent in the United States. I reasoned that anybody who opposed the then new Korean war, or otherwise dared to speak up and oppose any American policies he disagreed with, would be slapped into jail on one pretext or another. But this led me to make the mistake of feeling that a dictatorship was already taking over my country.

Then, and only then, was it that I left the family in the Mexico City apartment and traveled around Mexico—to Vera Cruz and Tampico—even using false names, and inquiring about passage to Europe or South America for all of us. It is hard to understand how I might have been led to do such a stupid thing, but it didn't take long for me to recognize how inept and pointless it was. Of course, I had no idea how it could be misinterpreted, and how dangerous it would turn out to be.

So I went back to Mexico City, and my wife and I talked it over once again. We realized that our ties to home were too strong, that we owed it to everyone to return and help to combat the repressive tendencies from which we had contemplated staying away and "sitting it out." I know now how right this last decision was, and how wrong I was to think I could isolate myself from others who had the same problem.

So my wife and I decided to come back to New York, take up our lives, and pin in whatever way we could in resisting the attacks on the liberties of people that were being made in the United States. We made plans for our return. There is tangible, documentary proof of this, too, for we then secured vaccinations in Mexico City—which we had not needed to get there, but which we did need to return to the United States.

But then came the unheard-of attack which deprived us of the chance to return voluntarily. My apartment was invaded by armed men who represented themselves as Mexican police, but refused, when I requested it, to permit me to call the American Embassy. This fact, and the rest of this incident, was set forth in my uncontradicted affidavit in support of my trial counsel's motion to arrest judgment. The United States Attorney at my trial as much as admitted that the FBI had engineered the whole affair. I cannot understand to this day, how this lawless act, apparently calculated to prevent me from returning voluntarily—for I was never informed of so much as even that I was wanted for questioning—has remained unrebuked.

MORTON SOBELL

Sworn to before me this
23rd day of September, 1953
S. R. Delmore, Jr., Asst Warden

APPENDIX 16

Rent receipts for apartment in Mexico City for July and August, 1950, issued in Sobell's own name. (Initials are those of Rex I. Shroder, Federal detective who arrested Sobell at Laredo, Texas.)

Recibí del Señor Morton Sobell

La cantidad de \$ [redacted]

cuatrocientos pesos, moneda nacional, como fianza, que le serán devueltos una vez hecho el inventario de la casa No. 122-4, cuando deje dicho departamento. 2 de julio de 1950.

Por \$ [redacted]

CASA NO. 122-4 DE LA CALLE DE Cordoba 122-4 MEXICO D.F.

Recibí del Sr. Morton Sobell

LA CANTIDAD DE \$ [redacted]

POR RENTA DE [redacted] QUE OCUPA EN DICHA CASA CORRESPONDIENTE A UN MES ADELANTADO EN LA FECHA.

PRIMERO DE JULIO DE 1950 DE 1950

POR \$ [redacted]

CASA NO. 153 DE LA CALLE DE Cordoba

Recibí del Sr. Morton Sobell

LA CANTIDAD DE \$ [redacted]

POR RENTA DE agosto QUE OCUPA EN DICHA CASA CORRESPONDIENTE A UN MES ADELANTADO EN LA FECHA.

2 de agosto de 1950 DE 1950

POR \$ [redacted]



APPENDIX 17

Letter from FBI returning to Sobell the identification cards, etc... which were in his possession at time of his kidnapping.

Alcatraz Federal Prison
December 22, 1954

I, Morton Sobell, hereby authorize Special Agent Fred R. Ellidge, of the Federal Bureau of Investigation, to deliver the items listed hereunder to Attorney Benjamin Dreyfus, 57 Post Street, San Francisco, California:

1. Divorce papers Darrow Gurewitz
2. Marriage certificate dated March 10, N.Y.
3. Birth certificate of the District
4. Birth certificate of the District
5. Birth certificate of the District
6. Notification of Gurewitz by DeJ
7. Certificate of Gurewitz and He
8. Operators License N.Y. for Morton
9. Social Security
10. Amateur Radio C 10/24/39
11. Liberty Mutual
12. 1950 Membership of Sciences
13. Card captioned
14. One small Hall

15. Three rent receipt for the month

Federal Bureau of Investigation
United States Department of Justice
422 Federal Office Building
San Francisco, California
December 23, 1954

Mr. Benjamin Dreyfus
Attorney
57 Post Street
San Francisco, California

Dear Sir:

Pursuant to the request of Mr. Morton Sobell there are attached hereto certain items which Mr. Sobell directed be delivered to you.

Enclosed herewith is written authorization by Mr. Sobell, and you will note that there is a space provided for your signature indicating receipt for the enclosed items.

Will you kindly execute the enclosed receipt and return the same to this office. Enclosed is a self-addressed, franked envelope for your convenience.

Very truly yours,

William M. Whelan
WILLIAM M. WHELAN
Special Agent in Charge

ENCLS. (16)

On this 31 d
received the above listed items on behalf of Morton Sobell.

/s/ Benjamin Dreyfus
Benjamin Dreyfus

STATE OF NEW YORK
CERTIFICATE AND RECORD OF BIRTH 19051

Morton Sobell

DATE OF BIRTH: *March 4, 1918*
PLACE OF BIRTH: *New York City*
FATHER: *Morton Sobell*
MOTHER: *Theresa Sobell*
BIRTH PLACE: *New York City*
BIRTH TIME: *1:00 - 2:00*
BIRTH WEIGHT: *10 lbs.*
BIRTH LENGTH: *18 in.*
BIRTH COLOR: *White*
BIRTH SEX: *Male*
BIRTH OCCASION: *Normal*
BIRTH ATTENDING PHYSICIAN: *Dr. [illegible]*
BIRTH CERTIFICATE NO.: *100-100000*
BIRTH RECORD NO.: *100-100000*

The New York Academy of Sciences
New York, U.S.A.
MEMBER'S CARD

MR. MORTON SOBELL
164-17 33RD AVENUE
FLUSHING, L.I., NEW YORK

ACTIVE MEMBER
MEMBER'S SIGNATURE: *Morton Sobell*

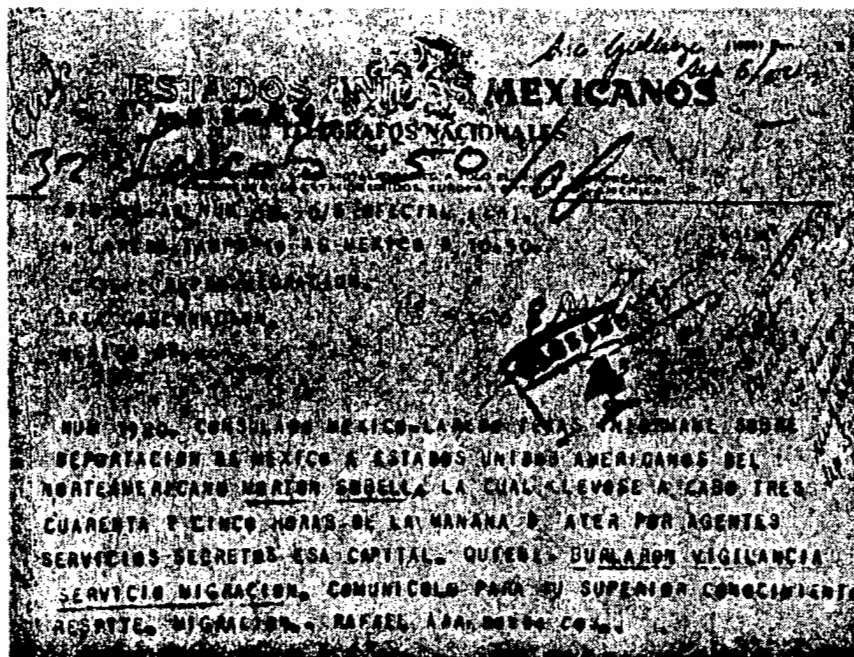
SOCIAL SECURITY ACT
ACCOUNT NUMBER
055-16-7426

Morton Sobell
8-27-38
DATE OF BIRTH

Identification cards taken from Sobell when arrested and returned three years and nine months after his trial.

APPENDIX 18

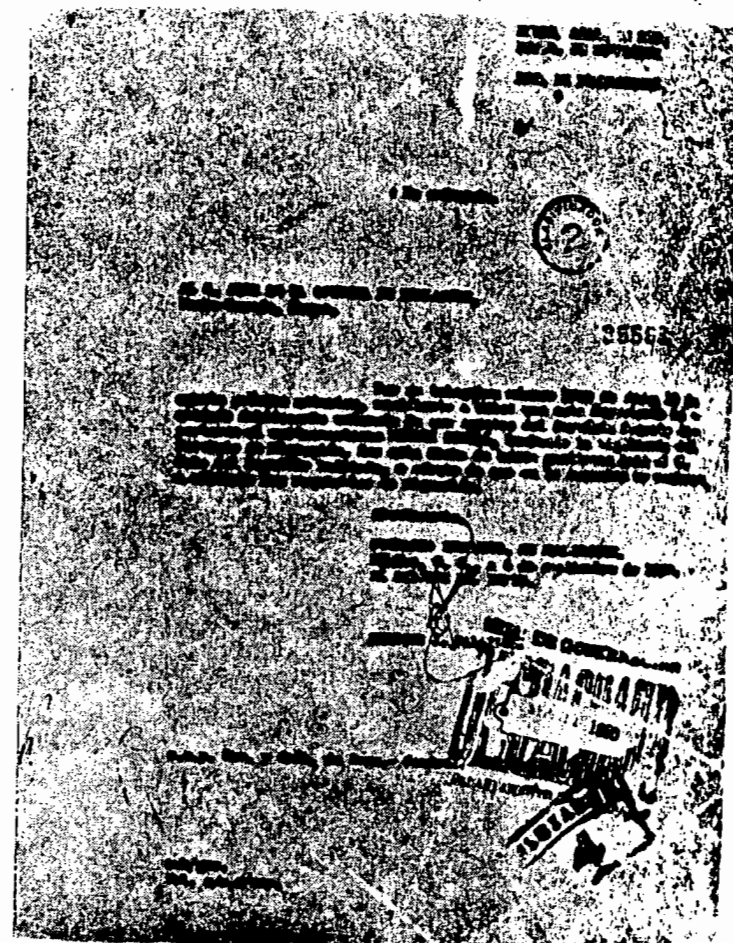
Telegram re Sobell (dated Aug. 19, 1950) and translation.

UNITED STATES OF MEXICO
NATIONAL TELEGRAPHS

DTO NU-49 NUM 92.50/s OFFICIAL (CR)
 NUEVO LAREDO, TAMPS., AUGUST 19, MEXICO, D.F. 10.50.
 [TO]: CHIEF OF THE OFFICE OF MIGRATION
 DEPT. OF STATE
 MEXICO, D.F.

NUMBER 1920. MEXICAN CONSULATE, LAREDO, TEXAS, INFORMS ME
 ON DEPORTATION FROM MEXICO TO UNITED STATES OF AMERICA OF
 THE NORTH AMERICAN, MORTON SOBELL WHICH TOOK PLACE
 3:45 A.M. YESTERDAY BY SECRET SERVICE AGENTS OF THE CAPITOL
 [Mexico City] WHO EVADED THE VIGILANCE OF THE MIGRATION
 SERVICE. I PASS THIS ON FOR YOUR FULLEST INFORMATION.
 RESPECTFULLY

MIGRATION. — RAFAEL ARREDUNDU CES

GENERAL DIRECTOR of POPULATION
DEPARTMENT OF MIGRATION
BUREAU OF PROMOTION
CLASSIFIER

From the Files

35563

To the Chief of the Office of Population
 Nuevo Laredo, Tamp.

I acknowledge to you that this office was duly informed via telegram, No. 1920, on the date of August 19th past, that Agents of the Secret Service of the North American Morton Sobell, evading the vigilance of the Migration Service. As of this date, efforts are being made before the Chief of the aforesaid Service to the end that in the future the requirements of migration will not again be evaded.

(Official stamp "Despachado
 Sept. 11, 1950)
 co.c.p. Rev. y Orft. de Doom. — Control. —
 amb/gvr.
 Tel. s/n.s/exp.

Courteously,
 Effective Suffrage, No.
 Mexico, D.F., Sept.
 The Assistant Chief
 (signed) Enrique

20758

APPENDIX 19

Reply to telegram
 re Sobell (date)
 Sept. 6, 1950) and
 translation.

APPENDIX 20

Letter (dated Sept. 13, 1950) re investigation of illegal seizure of Sobell and sending of Laredo Times, and translation.



SECRETARIA
RELACIONES EXTERIORES

CONFIDENTIAL

RECEPCION - DIREC. GRAL. DEL SERV. CONS. DEPTO.
DE MIGRACION.

NUMERO
CORRESPONDIENTE IV/230(73-26)/112414

624537

ASUNTO: MORTON SOBELL y esposa su salida de México.

México, D.F., a 17 de septiembre de 1950.

El Secretario de Gobernación,
Dirección General de Población,
Departamento de Migración.
C i u d a d.

El Consulado de México en Laredo, Texas en oficio número 2746 de fecha 15 de agosto próximo pasado, dice a esta Dependencia lo siguiente:

"Este Consulado, por conducto de la Oficina de Migración en Nuevo Laredo, Tamps., tuvo conocimiento de que el día de ayer, en la madrugada, había sido entregado a las Autoridades N. Americanas del F.B.I. (Federal Bureau of Investigation) en esta frontera una persona quien se encontraba residiendo en esa Capital. La misma Oficina de Migración en Nuevo Laredo, Tamps., solicitó de este Consulado se investigara la identificación de la persona entregada a las autoridades antes citadas, así como también los medios por los cuales se hizo esta entrega. Hoy mismo en la tarde, comisiono al Sr. Néstor Rangel Obregón, Cancellier adscrito a este Consulado a al cargo con objeto de que efectuara las investigaciones correspondientes en este caso, habiéndose presentado ante las Oficinas de Inmigración N. Americanas en esta ciudad y obtuvo la información que a continuación se transcribe: "A las 3:45 AM. del día de hoy, fué entregado a las autoridades del F.B.I. (Federal Bureau of Investigation) así como también a las Autoridades de Inmigración de este país, el señor Morton Sobell y esposa Hellen Sobell, ambos ciudadanos N. Americanos por nacimiento. Habiendo nacido el primero en la ciudad de Nueva York, N.Y., E.U. de América el día 11 de marzo de 1917. La entrega de estas personas la hicieron los Agentes del Servicio Secreto de la Policía del Distrito Federal, como así se encuentra asentado en los archivos de la Oficina de Inmigración Americana en Laredo, Texas. Las dos personas antes citadas fueron traídas desde la Capital de la República Mexicana".

HAL. DEL SERV. CONS. DEPTO.
DION.

3-26/112414

624537

abe que las Auto-
l señor Morton
Adjunto al pre-
a un recorte del
la población con-
sra del Norteam-
sección antes cita-
das de Migración
i., el día de hoy

inocimiento enviándole
la el oficio próximo;
esta consideración.

EFECTIVO. NO REELEGION
SUBSECRETARIO
DEL DEPARTAMENTO
NOTAS OFICIALES

Saldo Urueta

JAC/crg.-47446

COMPAG. S.

CONFIDENTIAL

Secretariat
of
Foreign Relations

Branch Office GENERAL DIRECTORATE OF
THE CONSULAR SERVICE OF THE
DEPARTMENT OF MIGRATION
Serial No. IV/230(73-26)/112414

624537

Re: MORTON SOBELL and wife their
exit from Mexico.
Mexico, D.F., Sept. 13, 1950.

Department of State
Bureau of Population
Department of Migration
Mexico City

The Consulate of Mexico in Laredo, Texas, in official document 2746, of August 18th just past, reports to this Bureau the following:

"This Consulate via the Office of Migration in Nuevo Laredo, Tamps., was informed that yesterday before dawn there was delivered to the North American authorities of the FBI (Federal Bureau of Investigation) at this border, a person who had been residing in the Capital (Mexico City).

This same Office of Migration in Nuevo Laredo, Tamps., asked this Consulate to investigate the identity of the person handed over to the aforementioned authorities, as well as the means by which he was delivered.

Today in the afternoon, I commissioned Hector Rangel Obregon, Chancellor assigned to this Consulate on my behalf to carry out the investigations required in this case. Having presented himself before the North American Office of Immigration in this city (Laredo), he obtained the information which is supplied below:

"At 3:45 A.M. today, there was delivered to the authorities of the FBI (Federal Bureau of Investigation) as well as to the Immigration authorities of this country (U.S.A.), Mr. Morton Sobell and wife Hellen Sobell, both North American citizens by birth, the former having been born in the City of New York, N. Y., U.S.A., on March 11, 1917. The delivery of these persons was made by the Agents of the Secret Service Police of the Federal District, as it will be found recorded in the files of the Office of Immigration in Laredo, Texas. The two said persons were brought from the capital of the Mexican Republic."

"As additional information, it is known that the authorities of this country (U.S.A.) were searching for Mr. Morton Sobell, accusing him of espionage. Attached to this letter, I take the liberty of forwarding to you a clipping from the newspaper The Laredo Times of this city, containing information concerning the seizure of the North American Morton Sobell. The above information was supplied to the Office of Migration (Mexican) in Nuevo Laredo, Tamps., today at 4:30 P.M."

Allow me to draw your attention to the enclosed newspaper clipping which was mentioned in the above quoted report, and I repeat the assurances of my courteous consideration.

Effective Suffrage; No reelection
By the Office of the Sub Secretary
in Charge of the Office of the
Sub Director General.

(signed) Antonio Canale Urueta

JAC/crg.-47446
(signed): "Joe."

I am thanks for the information sent and for the forwarding of the newspaper, "The Laredo Times" of Nuevo Laredo, Texas, U.S.A., at to you my attentive and distinguished consideration.
 Effective Suffrage, No Reelection
 Mexico City, Sept. 23, 1950
 The Chief of the Department
 (signed) Arcadio Ojeda Garcia.
 (Stamp of the Dept. of Migration dated Sept. 28, 1950)

RC/ach.-s.-n.-c-exp.

APPENDIX 23

Affidavit of FBI detective John A. Harrington concerning suppressed facts of Schneider's ("the passport photographer") visit to the courtroom previous to his testimony.

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.
 JULIUS ROSENBERG, ETHEL ROSENBERG
 and MORTON SOBELL,

Defendants.

AFFIDAVIT
 C 134-245

STATE OF NEW YORK
 COUNTY OF NEW YORK
 SOUTHERN DISTRICT OF NEW YORK

JOHN A. HARRINGTON, being duly sworn, deposes and says:
 I am a special agent of the Federal Bureau of Investigation and have been so employed since 1943.

On March 26, 1951, during the course of the trial of the above-named defendants, I met Special Agents Walter Roetting and Lester O. Gallagher in the vicinity of Courtroom 110 in the United States Courthouse. I was informed by these agents that they had located a photographer who had identified a photograph of Julius Rosenberg as a person whose passport photograph he had taken. At this time, I was informed that the photographer was at 99 Park Row, New York City.

I communicated these facts to Mr. Irving H. Saypol, United States Attorney for the Southern District of New York, who directed that the photographer be brought to the United States Courthouse to confirm the identity of Rosenberg previously made. I communicated this information to Agents Roetting and Gallagher.

Shortly thereafter, I again met Agent Gallagher who had with him a man who I now know as Ben Schneider, a photographer of 99 Park Row, New York City. I brought Mr. Schneider into Courtroom 110, to the fore part of the courtroom inside the railing where there were two vacant seats. I instructed Mr. Schneider to look round the court room and see if he saw anybody he recognized. I did not point out any specific person to Mr. Schneider. Mr. Schneider looked around and when he saw Julius Rosenberg, he stated to me that that was the man whose pictures he had taken.

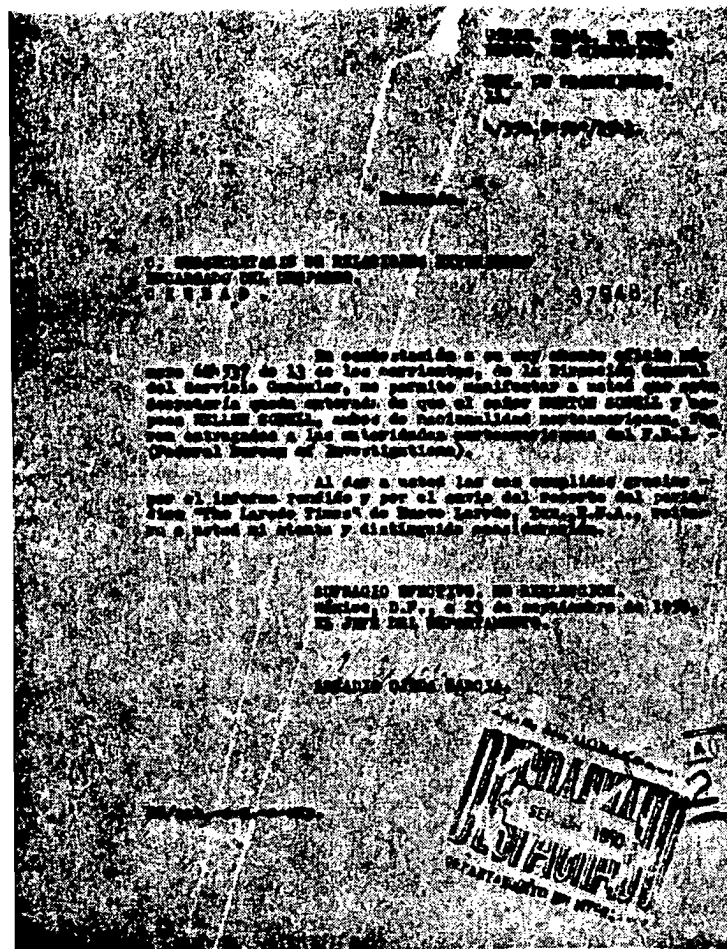
At no time did I point out or in any other way indicate to Mr. Schneider the picture or the place where he was located in the courtroom who was Julius Rosenberg.

Sworn to before me this
 1st day of December, 1952.

JOHN A. HARRINGTON

APPENDIX 21

Letter showing receipt of Sept. 13th letter and translation.



GENERAL DIRECTORATE OF POPULATION
 DEPARTMENT OF MIGRATION
 BUREAU OF PROMOTION

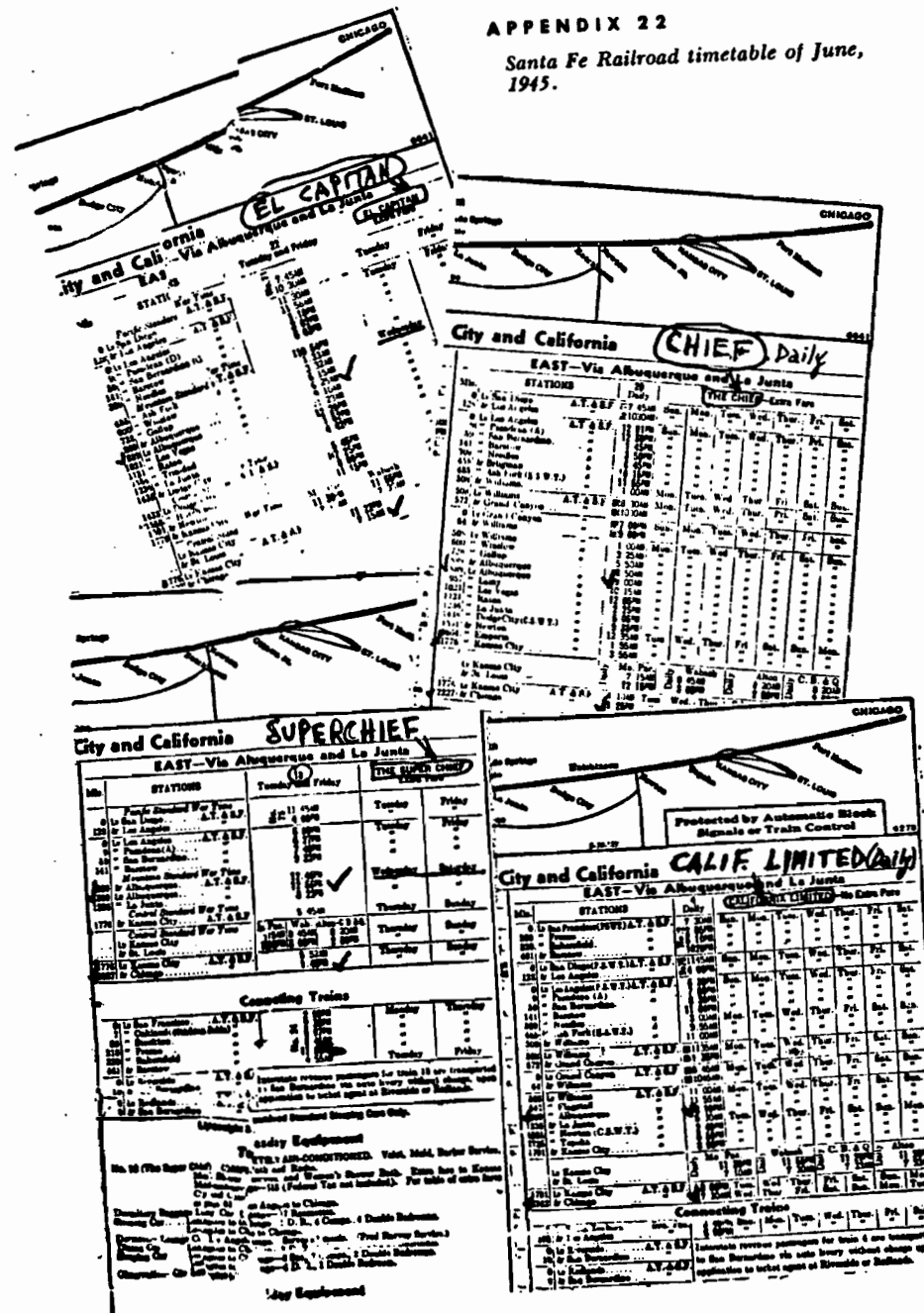
11:
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Filed. 37948

(to)
 Undersecretary of Foreign Relations
 in Charge of the Office
 Mexico City

In answer to your very courteous letter No. 624537 of the 13th inst., from the Directorate of the Consular Service, permit me to acknowledge to you that this Secretariat has been informed that Mr. Morton Sobell and his wife Hellen Sobell, both North American nationals, were delivered to the North American authorities of the FBI (Federal Bureau of Investigation).

Santa Fe Railroad timetable of June, 1945.



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Office Memorandum • UNITED STATES GOVERNMENT

TO : L. V. Boardman *lvb*

DATE: May 31, 1955

FROM : A. H. Belmont *ahb*SUBJECT: JULIUS ROSENBERG, was., et al
ESPIONAGE - R

Tolson	_____
Boardman	_____
Nichols	_____
Belmont	_____
Harbo	_____
Mohr	_____
Parsons	_____
Rosen	_____
Tamm	_____
Sizoo	_____
Winterrowd	_____
Tele. Room	_____
Holloman	_____
Gandy	_____

SYNOPSIS:

The attached pages numbered 558 to 672 of the book "The Judgment of Julius and Ethel Rosenberg," by John Wexley, were received from the New York office by airtel 5/23/55. Previous pages were reviewed in memoranda from Mr. Belmont to Mr. Boardman dated May 17 and May 20, 1955. Photostats of pages previously received were furnished the Criminal Division by memorandum dated May 27, 1955. Judge Kaufman, trial judge, telephonically advised Mr. Nichols on May 9, 1955, he learned this book contained criminal and civil libel deliberately inserted to provoke a court test on the question of freedom of the press. By airtel May 23, 1955, New York advised that Mr. Sivak, printer of the book, advised 11 pages had been revised and a man he believes to be Wexley said this was done because of a possible libel action.

In this portion of the book, the author compares the testimony of the Greenglasses and the Rosenbergs and, as would be expected, he finds the Rosenberg testimony "plain, direct and simple," while the Greenglass testimony is "crooked, intricate, inconstant and a various thing." (Pages 560-61) The testimony regarding the passport photographs Rosenberg had made is discussed and the Rosenberg version is accepted as truth. Rosenberg claimed he and his family were out for a stroll and, as they frequently did, stopped in and had photographs made. (The author fails to explain how Rosenberg could afford \$9 for photographs when in previous chapters he portrayed Rosenberg as a mere pauper.) The claim is then made that Ben Schneider, the photographer who made these passport photos, lied when he testified he had not seen the Rosenbergs since the date of the photographing as he had been in the courtroom the previous day to observe the Rosenbergs.

Enclosures *net 6-7-55*
65-58236Ticklers - Mr. Boardman
Mr. Belmont
Mr. Nichols

JPL:bsb(7) Mr. Lee

64 JUN 14 1955 65-58236 (National Committee to Secure Justice in the Rosenberg Case)
cc - 100-259146 (John Wexley)

16 JUN 9 1955

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Memorandum to Mr. Boardman from Mr. Belmont

**RE: JULIUS ROSENBERG, was., et al
ESPIONAGE - R**

The author claims the Government knew this and refers to an affidavit filed by Special Agent John A. Harrington at a later date. (Page 566) Former Special Agent Harrington did file an affidavit stating he had brought Schneider into the courtroom on the previous day at the request of the United States Attorney that no evasion had been attempted by the Government and Schneider had not intentionally made any false statement. (It is noted this argument was raised in a post-trial motion and disposed of by Judge Sylvester Ryan, Southern District of New York, who said it was immaterial since Rosenberg never denied visiting the photography shop.)

In Chapter 25, Judge Kaufman and ^{then} United States Attorney Saypol are accused of creating an inference in the minds of the jury by forcing Ethel Rosenberg to use the Fifth Amendment in questions put to her concerning her Grand Jury testimony. (Pages 576-78) Wexley then reduces the trial to "three self-entrapped persons sponsored by the Government" against three others who refused to cooperate and plead guilty. (Page 581)

Wexley, in Chapter 26, continues to accuse Judge Kaufman of prejudice. As an illustration, he quotes from the summation by Emanuel Bloch, defense attorney, wherein Bloch described Rosenberg as a "schneek" and explains this as a Jewish word best translated as "very easy going fool." Kaufman then asked Bloch if the translation he is seeking isn't "stooge." The author claims this is inflammatory as the word "stooge" means accomplice. (Page 584) Wexley also refers to Judge Kaufman's "crafty hand" and "Machiavellian talents" which were notable throughout the trial and later hearings. (Page 585) At one point in discussing Judge Kaufman, Wexley states as follows: "... marvels at the unmitigated gall of this perfidious little Tartuffe." (Page 591) (Tartuffe is described in the dictionary as a hypocritical religious devotee who was the main character in a play by Moliere.)

The author then quotes the statement of Judge Kaufman after the verdict was brought in paying tribute to the Director and the FBI. He quotes a similar statement made by Judge Kaufman after the verdict in the Brothman case and then states "Somehow, one cannot help shivering at the thought of all Federal judges greeting all future verdicts against convicted dissenters with a somewhat shorter tribute, for example, 'Heil Hoover'!" (Page 596)

Memorandum to Mr. Boardman from Mr. Belmont

RE: JULIUS ROSENBERG, was., et al.
ESPIONAGE - R

Waxley accuses Judge Kaufman of anti-Semitism in his sentencing and states in the opinion of many leading Jews, Kaufman was demonstrating his Americanism by sending two dissenting fellow Jews to the electric chair. (Page 604) Ridicule is made of Kaufman's alleged visits to the synagogue while determining the sentences for the defendants and Waxley claims any rabbi would have counseled mercy. (Page 613)

The day of the electrocution and the tension building up are discussed and Waxley tells of the various appeals for mercy coming to the United States and would have his readers believe there was world-wide unrest because of the execution on that day. His closing chapter is a highly emotional description of the execution and his conception of what the Rosenbergs were thinking on their way to the electric chair. This portion is liberally sprinkled with Biblical quotations and an edious comparison of the electrocution of the Rosenbergs to the Crucifixion is drawn. (Pages 630-34)

This latter portion of the book seems devoted to attacking Judge Kaufman, claiming his actions were prejudicial, his sentences were vindictive and accusing him of anti-Semitism.

RECOMMENDATIONS:

1. It is recommended this memorandum be routed to Mr. Nichols for whatever action he deems advisable in connection with Judge Kaufman's telephone call of May 9, 1955. The pages of the book are being retained in the office of Supervisor J. P. Lee, Espionage Section.

2. There is attached for your approval a letter to the Criminal Division with copy for the Internal Security Division furnishing Photostats of pages 558-672.

V. W. J. [Signature] WADAT

FD-36

AIR-TEL
FEDERAL BUREAU OF INVESTIGATION

UNITED STATES DEPARTMENT OF JUSTICE

NY 6/14/55

CONFIDENTIAL

SECRET

Mr. Tolson
Mr. Boardman
Mr. Nichols
Mr. Belmont
Mr. Harbo
Mr. Mohr
Mr. Parsons
Mr. Rosen
Mr. Tamm
Mr. Sizoo
Mr. Winterrowd
Tele. Room
Mr. Holloman
Miss Gandy

Transmit the following Teletype message to: BUREAU

JULIUS ROSENBERG; ET AL; ESP-R.

ReBulet to NY, 4/22/55, advising that information was received in instant case from [REDACTED] which was furnished to Bureau by Legat, Paris by letters dated 4/30/54, and 8/20/54, which in turn were furnished the NYO by routing slips dated 5/21/54, and 9/7/54, respectively.

These letters have been corrected in the NYO to properly characterize [REDACTED]. A review of instant file does not indicate that information contained in these letters was reported by NYO in report in instant case or any related case.

Classified by 3042 [REDACTED] KELLY
Declassify on: OADR
10/13/86

DECLASSIFIED BY 3042 [REDACTED] b7c
DN 10-23-86 b7D

Mr. Belmont

Classified by 2355 WAB/DLB
Exempt from GDS Category 1
Date of Declassification Indefinite

- 3- Bureau (65-58236) (Registered)
1- NY 105-1261 Subfile A4

HTF:EHR (#6)
65-15348

RECORDED - 19

EX-126

NO JUN 16 1955

SECRET

CONFIDENTIAL

JUN 20 1955

Approved

Special Agent in Charge

Sent

M Per

ESP [REDACTED]
REC'D [REDACTED]
JUN 12 4 51 PM '55

CONFIDENTIAL

FILED: Belmont
Jensen LEE

Assistant Attorney General (orig and pne)
William F. Tompkins

June 20, 1955

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/25/96 BY 3042 PUL/VAS

Director, FBI

JULIUS ROSENBERG, with aliases, et al
ESPIONAGE - R

Reference is made to my memorandum dated
June 6, 1955, regarding the book entitled "The
Judgment of Julius and Ethel Rosenberg" written
by John Wexley.

There is enclosed herewith a Photostat of
an article which appeared in the "Daily Worker" on
June 15, 1955, reporting an announcement made by
Wexley that he intended to call for an investigation
of the Department of Justice. The above is for your
information.

Enclosure (1)
65-58236

cc - 1 - 101-2483 (Morton Sobell)
100-259146 (John Wexley)
100-387835 (International Committee to Secure
Justice in the Rosenberg case)

DECLASSIFIED BY SP6 DJA/00
ON 10-27-89

RECORDED - 72

JUN 22 1955

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 6 BY JEB

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Boardman _____
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 Gandy _____

RECEIVED - 65

MAILED 2
JUN 21 1955
COMM - FBI

55 JUN 28 1955

Author Demands Senate Probe of H of J's Office

New evidence challenging the prosecution's case against Morton Sobell and Julius and Ethel Rosenberg was disclosed today by author John Wexley at a press conference held at the Hotel Roosevelt by the Committee to Secure Justice for Morton Sobell.

The new evidence, which the committee said would be used together with other material in legal efforts to win a new trial for Sobell, is revealed in John Wexley's forthcoming book, "The Judgment of Julius and Ethel Rosenberg" which will be published on Thursday, June 16, by Cameron and Kahn.

This week marks the second year since the execution of Julius and Ethel Rosenberg. In many cities throughout the country, meetings are being held to urge a new trial for Morton Sobell. In New York, a meeting will be held in Carnegie Hall, Thursday, June 16, at 8 p.m.

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 7-27-84 BY SP6 BJA/008
7/24/86 3042 PWS/AD

COPIES DESTROYED

K 28 NOV 15 1960

*Let Jorgensen
6-20-65
SPC*

This is a clipping from
page 1 of the

() Daily Worker
() The Worker
() New Leader

Date JUN 15 1955

Clipped at the Seat of
Government.

65-58236-2212

ENCLOSURE

*6-20-65
SPC
Hester
Hester*

CONFIDENTIAL

Mr. Belmont
Mr. Lee

Assistant Attorney General (orig. & 1)
William F. Tompkins

June 23, 1955

Director, FBI

JULIUS ROSENBERG, with aliases, et al
ESPIONAGE - R

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/25/86 BY 3042PUL/1A

Reference is made to my memorandum dated June 20, 1955, regarding an article which appeared in the "Daily Worker" for June 15, 1955, concerning the book "The Judgment of Julius and Ethel Rosenberg," by John Vorley.

There is enclosed a photostat of an article which appeared in the "Daily Worker" for June 17, 1955, dealing with the deportation of Morton Sobell from Mexico, as related in this book, and claiming these facts call for an investigation, by the Senate Judiciary Committee, of the Attorney General's office and the Department of Justice.

The above is furnished for your information.

65-58230

Enclosure

DECLASSIFIED BY 2305
ON 10/17/75

JPL:en (8)

CC: 100-259146 (Vorley)
101-2483 (Sobell)

APPROPRIATE AGENCIES
AND FIELD OFFICES
ADVISED BY ROUTING
SLIP (S) OF
DATE 4/16/79

100-387835 (Nat'l Committee to Secure
Justice in the Rosenberg Case)

REC'D COMM - FBI
JUN 23 1955
MAILED 28

RECORDED - 24

65-58230-2213

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Tele. Room _____
Holloman _____
Gandy _____

CONFIDENTIAL

FBI - JUSTICE
RECEIVED
JUN 30 1955

JUN 27 1955

WAB

John Wexley Bares Sordid Role Of FBI in Rosenberg-Sobell Case

Facts presented in "The Judgment of Julius and Ethel Rosenberg," published today, call for a study by the Senate Judiciary Committee and its initiation of a thorough investigation of the Attorney General's office and Department of Justice with respect to the Rosenberg-Sobell case, author John Wexley told a press conference Tuesday.

Wexley made available to the press photostatic copies of various documents, among them official Mexican government documents revealing that Morton Sobell was kidnapped in Mexico in violation of its immigration laws, and not legally deported as the prosecution claimed at the 1951 trial.

A new trial for Morton Sobell, now in Alcatraz prison on a 30-year sentence, is recognized as the key to vindication of the Rosenbergs, whose execution was June 19, 1953. In many cities throughout the country meetings are being held this week as a memorial to the Rosenbergs and to urge a new trial for Sobell.

In his book, Wexley asked why the FBI arranged the wholesale abduction of the Sobell family (after revealing that they had had vaccinations preparatory to returning to the U.S. as they had decided to do). And he answered his own query: because if the FBI and prosecution had asked the State Department to instruct the American ambassador in Mexico City to advise Sobell of the charges and request his voluntary return "they would have had no fugitive."

Moreover, there would have been no headlines about his being "nabbed" while fleeing the country.

At the time, moreover, that Sobell was beaten and abducted—the most extreme of all the instances of intimidation used by the FBI to obtain "confessions" in the Rosenberg and corollary trials—the only "evidence" the FBI had against him, Wexley pointed out, was that he had been a classmate of Julius Rosenberg.

Revealed for the first time in the Wexley book, published by Cameron & Kahn, are photostatic copies of telegrams and correspondence from the officials

of the Department of State and Migration of Mexico relating to the so-called "deportation" of the North American, Morton Sobell.

One document dated Sept. 11, 1950, from Enrique J. Palacios, assistant chief of the Department of Migration, to the Chief of the Office of Population, Nuevo Laredo, Tampico, acknowledged receipt of a telegram of Aug. 19 that Sobell was "deported" by "Agents of the Secret Service . . . evading the vigilance of the Migration Service." It added, "As of this date, efforts are being made before the Chief of the aforesaid Service to the end that in the future the requirements of migration will not again be omitted."

From the Consular Service of the Department of Migration, Mexico, D. F., a Sept. 13 confidential communication to the Department of State, signed by Sub-Director General Antonio Canale Urueta, revealed the Mexican Consulate in Laredo, Tex., on Aug. 18, 1950, had declared it was "informed that yesterday before dawn there was delivered to the North American authorities of the FBI at this border, a person who had been residing in the Capital (Mexico City)."

The Consulate in Laredo was quoted further in the document as saying that the Office of Migration of Nuevo Laredo, which had informed it of the delivery of "the person" to the FBI, "asked this Consulate to investigate the identity of the person handed over to the aforementioned authorities, as well as the means by which he was delivered."

From the "North American Office of Immigration" in Laredo,

the Sub-Director General's emissary learned that at 3:45 a.m. that day (Aug. 18) agents of the Secret Service Police delivered to the FBI at Laredo, Morton and Helen Sobell, "brought from the Capital." (No mention was made of their infant, Mark, and little girl, Sydney, nor of the severe beating the Mexican plainclothesmen delivered to Sobell when he began shouting for police on the street in front of their apartment in Mexico City.)

The Consular document, however, makes it clear that even after its representative had consulted North American officials, it had to rely on a newspaper clipping from the Laredo Times to learn that Sobell was being accused of espionage.

Because the Sobell attorneys in the trial felt no case was proved against their client they brought out the facts of the kidnapping only after the verdict, before the sentencing.

Wexley points out in his book that the decision of Sobell's attorneys not to have him take the witness stand, which he says "may have been a grave error as we review it now," was based on the prosecution's lack of evidence, since only Max Elitcher offered any testimony allegedly relating him to the charge.

ALL INFORMATION CONTAINED

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DATE

7/25/86 BY 3042PWS/KBS

This testimony, according to the Columbia Law Review, "ought not to be given much weight," as Elitcher, admittedly fearful of a perjury indictment concerning a false "loyalty" oath made as a government employee, was "hoping for non-prosecution."

Added to this was the defense's protests from the outset against Sobell being brought to trial with the Rosenbergs, when no attempt at atomic espionage even was claimed by the prosecution.

Wexley added that if Sobell is granted a new trial "it is his determination to take the stand."

This is a clipping from page 6 of the

() Daily Worker
() The Worker
() New Leader

Date JUN 17 1955

Clipped at the Seat of Government.

COPIES DESTROYED

R 28 NOV 9 1960

AGENCY (Ag. Tompkins, Dept. Justice)
REQ. REC'D
DATE FORW. 6/23/55
HOW FORW. by let.
BY J. P. Lee

65-58236-22

17/18
B. W. 17/18
11/6/55
13

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT *AB*

DATE: 6/22/55

FROM : A. ROSEN *R*

SUBJECT:

Tolson _____
 Boardman _____
 Nichols _____
 Belmont _____
 Harbo _____
 Mohr _____
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 Tamm _____
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 Winterrowd _____
 Tele. Room _____
 Holloman _____
 Gandy _____

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 7/25/86 BY 3042PWS/AS

Eugene J. Matchett of the Department called stating that he had been advised by the United States Marshal at New York that Julius and Ethel Rosenberg had earned the sum of \$40.00 while in prison. Inasmuch as there were no instructions as to what to do with this money, the United States Marshal was asking the Department concerning its disposition.

Gene Matchett wanted to know if we had any information concerning this and I advised him that I did not know. He stated that he thought perhaps the money should be given to the estate, namely the children, but he didn't know where they might be at this time.

ACTION TO BE TAKEN

He wanted to know whether we had any idea as to where the children might be located so that this money might be directed in the proper channels.

Any decision in this matter should be furnished to Matchett.

AR:LS
(3)

RECORDED 21

27 JUN 29 1955

REC-10211CE
 RECD 6/22/55

CONFIDENTIAL

Rosen
Belmont
Lee

Mr. E. A. Andretta (orig and 1)
Administrative Assistant Attorney General

June 27, 1955

Director, FBI

JULIUS ROSENBERG
ESPIONAGE - R

65-58236-2214

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/25/96 BY 3042 PUL

RECORDED - 21

Reference is made to the telephone call of Mr. Eugene J. Katchett of the Department to Assistant Director Rosen on June 22, 1955, advising that the United States Marshal, Southern District of New York, had requested instructions relative to the disposition of \$40 which had been earned by Julius and Ethel Rosenberg while in prison. Mr. Katchett advised he thought perhaps the money should be given to the estate, namely the children of the Rosenbergs, but he did not know where they were at this time.

In February, 1954, the Department of Welfare, City of New York, filed a petition in Childrens Court charging neglect of the Rosenberg children, and they were placed in custody of that Department. Sophie Rosenberg, paternal grandmother of the children, and Abel and Anne Meeropol, with whom the children were living, filed a writ of habeas corpus before Justice James B. McNally, New York State Supreme Court, and on February 20, 1954, Justice McNally granted temporary custody of the children to Mrs. Sophie Rosenberg. As of that date, Mrs. Rosenberg was residing at 24-36 Laurel Hill Terrace, New York City, and the children were attending Public School No. 186.

Regarding the money in the possession of the United States Marshal, Southern District of New York, this Bureau does not desire to make any recommendation concerning its disposition.

65-58068

CV - 1 - Mr. William F. Tompkins
Assistant Attorney General

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U.S. DEPT. OF JUSTICE

COMM-FBI
JUN 27 1955
MAILED 22

JUN 27 10 10 AM '55

60 JUL 18 1955
CONFIDENTIAL

JUN 27 15 05 PM '55

RECEIVED, NOV 40

JUN 27 1955

WAB

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (65-58236)

DATE: 6/28/55

FROM : SAC, NEW YORK (65-15348)

SUBJECT: JULIUS ROSENBERG, was, et al
ESP-REnclosed is Form FD-227, requesting authorization for a 30 day continuance of the mail cover on CECILIA ARROW. *No COA*

The previous mail cover has been unproductive. The only correspondence received was the I.F. Stone Weekly Newsletter received 6/13/55, from 301 Capitol, Washington, D. C.

The National Committee to Secure Justice for Morton Sobell in the Rosenberg Case has announced the publication of the book entitled, "The Judgment of Julius and Ethel Rosenberg," by John Wexley. In view of the fact that the advanced proofs of this book were obtained and forwarded to the Bureau, it is requested that the Bureau advise NYO if it still desires a copy of the book and a review thereof by NYO.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/25/86 BY 3042 PUL/AB

Encl-2

RAM:IM

ENCL

Handled separately
7-12-55 APT

X-104

RECORDED - 82

INDEXED - 82

10 JUN 30 1955

ESP SEC

JUL 21 1955

SAC, New York (65-15348) (orig and one)

July 14, 1955

65-58236-2215
RECORDED

Director, FBI (65-58236)

EX-104
WJFJULIUS ROSENBERG, was., et al
ESPIONAGE - R

Reurlet 6/28/55 inquiring if Bureau request for a copy of the book entitled, "The Judgment of Julius and Ethel Rosenberg," by John Wexley should be complied with. In view of the fact that the advance proofs of this book were obtained and forwarded to the Bureau, you may disregard the Bureau's request.

NOTE:

Above mentioned book has been reviewed at the Bureau which obviates New York doing same thing.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/25/86 BY 3042 PWS/MS

COMM - FBI
JUL 14 1955
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141
63 JUL 21 1955
108

WJF
Dne

Request for Mail Cover
FD-227 (12-10-54)

Station

To : Director, FBI (65-58236)

Date: 6/28/55

From : SAC, NEW YORK (65-15348)

Attention:

Subject: JULIUS ROSENBERG, Was, et al
ESP-R

☒ Domestic Intelligence Division
☐ Investigative Division

Name: ~~CECELIA~~ ARNOW

Address: 3832 Poplar Avenue, Sea Gate, Brooklyn, New York

Type of Mail: First class

Type of Cover: Return card

Period Covered: 30 days

Purpose of Cover: To determine banking affiliations //

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/25/86 BY 3042 PUL/KAS

Justification: (Comment on necessity, desirability, productivity, possibility of embarrassment to Bureau. If necessary continue on extra page.)

Necessary and desirable in connection with the investigation in this case to determine if CECELIA ARNOW, mother-in-law of Emily Alman received \$7,000.00 or a portion thereof, in 1950, from ETHEL ROSENBERG. A previous 30 day mail cover has been unproductive and will expire July 5, 1955. There are no known facts which would result in embarrassment to the Bureau.

COMM-FBI
JUL 13 1955
MAILED 19

APPROVED

Date

7/13/55

RAM:IM

OK with [unclear]

INDEXED

65-58236-2216

Postmaster to whom Form FD-115 will be directed if authorized:

Hon. Edward J. Quigley
Postmaster
Federal Building
Brooklyn 1, N.Y.

NOT RECORDED
8 JUL 15 1955

62 JUL 25 1955

CC-Mr. Lee

SAC, New York (65-15348) (orig. & 1)

Director, FBI (65-58236)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/25/86 BY 3042plw/als

July 22, 1955

JULIUS ROSENBERG, WAS., ET AL
ESPIONAGE - R

~~CONFIDENTIAL~~

A review of this case reflects the only outstanding investigation remaining is to identify the couple who received \$7000 and a Leica camera from Ethel Rosenberg at the time of the original interrogation of Julius Rosenberg by agents of the New York office in June, 1950. The Bureau is of the opinion that investigation to locate recipients of the camera and the money should be conducted separately from instant case. You are instructed to open a new case entitled "Unknown Subjects, Recipients of Leica Camera and \$7000 from Ethel Rosenberg, June, 1950, Espionage - R." A report should be prepared in that case, including all investigation which has been conducted to date to identify this couple, and should contain appropriate leads for continuing this investigation. This case should be given expeditious attention.

A review should be made of the instant case to ascertain that all leads have been covered prior to bringing this case to a logical conclusion.

NY foll 8-18-55 surp inmed 8PL/jbo
Closed by letter 8/23/55 8PL/jbo
JPL:en (4)

Classified by
Exempt from GDS Category
Date of Declassification Indefinite

NOTE: Jerome E. Tartakow, former fellow inmate of Julius Rosenberg in the Federal House of Detention, NYC, advised Rosenberg told him that at the time FBI agents originally came to his apt. on the day after the arrest of David Greenglass in June 1950, he had \$7000 in cash and a Leica camera. He advised that he accompanied the agents to the NY office and that his wife placed the money and the camera in a shopping bag and took it to another couple who resided in Knickerbocker Village, the apt. development in which he lived. This couple was described as parents of 2 children who were at that time planning to move from Knickerbocker Village to a house. Investigation has been conducted in the Rosenberg case in an attempt to identify this couple. It is believed advisable to investigate this as a separate case.

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~~CONFIDENTIAL~~

66 JUL 29 1955

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COMM - FBI
JUL 22 1955
MAILED 19

20 JUL 26 1955

WAC

1 and do not in vol 10/7/55
65-63615-1
UNRECORDED COPY FILED IN

Office Memorandum • UNITED STATES GOVERNMENT

TO : L. B. NICHOLS *LMN*
FROM : D. J. PARSONS *DJP*
SUBJECT: JULIUS ROSENBERG, ET AL.
ESPIONAGE - R

DATE: 7/29/55

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Holloman _____
Gandy _____

65-58236

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/23/86 BY 3042 *pat-D/C*

CONFIDENTIAL
IN EBF

There is attached the file which has been maintained in the Laboratory in connection with the above-captioned matter. It is desired that this file be maintained as an enclosure behind the main file in the Records Section. *Cu*

51 AUG 2 1955

Attachment

141

ENCLOSURE

NOT RECORDED

21 AUG 1 1955

65-58236-2218 *See memo*
9/2/59

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICELaboratory Work SheetRecorded
7/28/50 emRe: JULIUS ROSENBERG
ESPIONAGE - RFile # 65-58236-109
Lab. # 4-119836 ~~42~~ BE

LAB FILE

Examination requested by: New York (65-15348)

Date of reference communication: Let 7/24/50

Date Received: 7/27/50

Examination requested: Doc

Result of Examination:

Examination by: ~~DR. J. H. DOLGREN~~
DohlgrenSpecimens submitted for examinationKc2 Seventeen photostatic copies of papers containing the kn hw taken from
the Selective Service File of JULIUS ROSENBERG.ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 10/29/86 BY 3042 pwt-DSC

Q41
Q40

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Laboratory Work Sheet

CONFIDENTIAL

Re: *Michael Rosenberg*
Handwriting Comparison

File # *65-58236*
Lab. # *167263*

Examination requested by: *Charles M. Mettner*
Executive Assistant to the Attorney General

Date of reference communication: *None 5/27* Date received: *5/27/53*

Examination requested: *Domestic*

Result of Examination:

Examination by: *Hollad*

*Ink writing on letter beginning "Dear Mr
(Q4) President" (except address below signature)
I don't know Black pencil writing on*

Specimens submitted for examination

*(Q4) Letter beginning "Dear President Eisenhower"
& on envelope containing Registered # 75 35.
Address on envelope Q1 No other letters*

DECLASSIFIED BY *3042 put-PK*
ON *1/6/86*

Classified by *3042 put-DIC*
Declassify on: *10/27/86*

65-58236-2218

CONFIDENTIAL

Letter Postmarked Feb 16 6 PM. 1953

much
they^y been good
Rosenberg we
m to very Michael
Dear President I and

Letter written in pencil.

Dear President I and
y^y to very Michael
Rosenberg Rosenberg
President w
because good
much

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

7-2

Laboratory Work Sheet

Re:

File # 65-58236
Lab. #

Examination requested by:

Date of reference communication:

Date received:

Examination requested:

Result of Examination:

Examination by:

Ident lead pencil Nw Q2 with

Dahlgren & E

Nw Q1 except lw. on envelope - address
on Q1

Specimens submitted for examination

Q40 Dear President Q Rosenberg
Michael and Robert We

Q41 Michael Rosenberg
We Q Dear President

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Laboratory Work Sheet

LATENTLATENT..... LATENT.....LATENT

~~REX~~ JULIUS ROSENBERG, was, et al.,
ESP. - R.

65-58236
File # ~~4-158-158X~~
Lab. # D-165975 **BE**

Examination requested by: SAU, New York (65-15348)

Date of reference communication: Let. 4/30/53

Date received: 5-1-53

Examination requested: Document. — S.F.P.S.

Result of Examination:

Examination by: Dahlgren

*Not possible to determine whether Q39
has been photographed or photostated.*

4/5/53

Specimens submitted for examination

Q39 A two page statement on lined pad paper, in pencil, bearing the handwriting of DAVID GREENGLASS, beginning: "These are my approximate statements....." and ending: ".....all what I said in the statement."

Return evid. and 2 cc to New York.

Lab. 5-4-53

Completed

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Laboratory Work Sheet

TOP
5/28
LAB FILE

Re JULIUS ROSENBERG
ESPIONAGE - R

~~CONFIDENTIAL~~

File # 65-58236
Lab. # D 132633 RE

Examination requested by: New York 65-15348

Date of reference communication: 5-23-51

Date Received: 5-25-51

Examination requested: Doc Egt

Result of Examination:

Examination by: Dahlgren

*ms & devt ALF [NSF] mix hp
7M latents of value (add copy to ALF.)*

Specimens submitted for examination

- Q37 Blue env addressed in pencil to Judge I Kaufmann U. S. District Court New York N.Y. and pm Atlanta, Ga. May 3 1951 12 M.
Q38 Piece of brown paper containing hp in pencil beg "Sure Smart Kikes Dont betray.." and signed KKK.

Q38 - Unevenly torn piece of heavy Linen paper, 500000.
Thickness - 0.0044 - 0.0047

Q37 - Blue env of Airline Typ Assn, Associated
Anatom Underwriters, N.Y. - see photo - no room.
6.5" x 3.6" x 0.0036"

~~CONFIDENTIAL~~

*get ref
6-51
HHD: mra*

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Laboratory Work Sheet

RECORDED 3-21-51

G1
3/22

Re: JULIUS ROSENBERG, et al
Espionage - R

~~CONFIDENTIAL~~

File # 65-58236
Lab. # D-129621 BE

LAB FILE

Examination requested by: New York 65-15348

Date of reference communication: let. 3-20-51

Date received: 3-21-51

md

Examination requested: . 1 Doc.

Result of Examination:

Examination by: DANIELSEN

No ident "Julius Rosenberg sig. Qc 32 → Qc 35
with subject Hw. Kc 2.

No concl. Hp. Qc 30 with Kc 2 because amount of questioned
Hp. too limited. Qc 30 photo doesn't show entire document.

Specimens submitted for examination

No concl. "Julius Rosenberg" sig. Qc 31 with Kc 2 because

- Qc30 Photographic copy of a 1940 Communist Party Membership Book #6602, bearing the name "JULIUS ROSENBERG."
- Qc31 Photostatic copy of an Independent Nominating Petition-Communist Party, page #705, dated 2-3-41, bearing the sig. "JULIUS ROSENBERG" on line 2.
- Qc32 Photostatic copy of a Communist Party Nominating Petition For Councilman, page #110, dated 9-26-39, bearing the sig. "JULIUS ROSENBERG" on line 1.
- Qc33 Photostatic copy of a Communist Party Nominating Petition For Councilman, page #125, dated 10-4-39, bearing the sig. "JULIUS ROSENBERG" on line 5.
- Qc34 Photostatic copy of a Communist Party Independent Nominating ~~KATK~~ Petition, page #142, dated 10-4-40, bearing the sig. "JULIUS ROSENBERG" on line 19.
- Qc35 Photostatic copy of a Communist Party Independent Nominating Petition, page #72, dated 8-5-42, bearing the sig. "JULIUS ROSENBERG" on line 3.

Wire 3/21/51
of variations in questioned not accounted for. These variations, which are not present in known writing, may be due to ^{abnormal writing} conditions, under which questioned signature prepared or they may actually represent normal handwriting characteristics of the writer of Q signature.

3-23-51

Qc 30

Julius Rosenberg
N.Y. N.Y.

No concl.

Qc 31 Julius Rosenberg

No concl.

Qc 32 Julius Rosenberg 48-39 47 St

Qc 33 Julius Rosenberg 2100 Creston Ave

Qc 34 Julius Rosenberg 753 Trenton

Qc 35 Julius Rosenberg 133 Ellery St

Kc 2 Julius Rosenberg Julius St
Julius Rosenberg St. N.Y.C. Rosenberg
Julius Rosenberg Julius Rosenberg
Rosenberg Ros JULIUS ROSENBERG
YORK

RECORDED
3-17-51
jl

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Laboratory Work Sheet

CL 272
3/17

Re: JULIUS ROSENBERG, et al
ESPIONAGE - R

File # 65-58236
Lab. # D-129361 BE

LAB. FILE

Examination requested by: New York (65-15348)

Date of reference communication: Let. 3-14-51

Date Received: 3-15-51

Examination requested: Document

Result of Examination:

Examination by: Dahlgren

Ident. Hw. Q 28 & Q 29 with letters
signed Max Schwartz (65-58365-1325)
no ident. Q1 & Q2 (65-38494). No ident. Hw. an
envelope of letter to Max Elitcher submitted with N.Y.
Specimens Submitted for examination
letter 3/10/51 - but no concl. Hg. This letter because

- Q28 White envelope bearing adr. hw. in ink "Judge Kaufman att Federal Courthouse
Foley Square N.Y. Att Judge Irving R Kaufman," ret. adr. "2845 Brb St
Bklyn., N Y.," pm "BROOKLYN, N.Y. MAR 12 1951 10:30 AM."
Q29 Acp. let. hw. in ink on a sheet of white paper, message bg. "Dear Sir, This
is in reference to the ..., " signed "Max Schwartz."

no Hg. on Q28 & Q29 for comparison.

Lab. Hg.
H. J. Hg.
3/21/51

rec 65-58365 (1) (Lab. & yellow)

Q 28

Q 29

Bklyn 2 Judge Kaufman
Federal Dear Sir.

This is in Max Schwartz
If you ⁺ n y.

Q1+Q2 (95-38494) from N.Y. letter 11/14/50 re: Unknown subject
w.a. "J.W." Anony-
mous letter sent to
U.S. Circuit
Judge Jerome
N. Frank
→ Judge J. Frank
Mr. New York 7 N.Y.

65-58365-1325 (Photostatic copies of three letters addressed to
Judge Leibell and one letter address to Bureau office at
New York) submitted with N.Y. letter 3/22/50 re: Judith
Coplon; Espionage - R. Bureau file 65-58365

Max Schwartz Bklyn N.Y.

anon. letter addressed to Max Elitcher submitted by N.Y. with letter 3/10/51

Q1 Max Elitcher Ave Flushing
N.Y.

Q2 HARVING BOIMB } N.C.

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Laboratory Work Sheet

Re: JULIUS ROSENBERG
ESPIONAGE - R

File # 65-58236
Lab. # D 128589 BE

~~CONFIDENTIAL~~

Examination requested by: New York

Date of reference communication: Teletype 2-28-51

Date received: 2-27-51

Examination requested: Doc

Result of Examination:

Examination by: Dahlsten 2/28/51

No ident. sigs. Qc 27 with Julius Rosenberg KC 2

Specimens submitted for examination

Request that the questioned sigs on Qc27 be compared with the kn hw of JULIUS ROSENBERG.

*2/28/51
65-58236
D 128589*

~~CONFIDENTIAL~~

Qc 27

Sam Jagan Grand St

Stella H. Pogarsky So 3rd St

Anthony Muriika Fillmore Pl.

Paul Hypo + Wythe ave

Kc 2

Sirs Julius Place Morris St
Whom Place Signal + Goldberg

Julius Rosenberg St the
Hosp. address March

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICELaboratory Work Sheet

✓ LAB FILE

Re: JULIUS ROSENBERG, et al
ESPIONAGE - RFile # 65-58236
Lab. # D 127127- BE

Examination requested by: New York 65-15348.

Date of reference communication: 1-25-51

Date received: 1-26-51

Examination requested: Doc

Result of Examination:

Examination by: Dahlgren

*Same as specimen photostal submitted
with N. Y. letter 12/20/50 - except this specimen
is a photographic copy & better for mail
use.*

Specimens submitted for examination

Photographic
Qc27-1 Communist Party Nominating Petition for Candidate Peter V. Cacchione
Dated Mar. 30, 1941, bearing the sig ETHEL ROSENBERG 111 So. 3rd St.,
on line one.

No ans. necessary

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Laboratory Work Sheet

RECORDED
1/10/51 ja

Re: JULIUS ROSENBERG
ESPIONAGE - R

File # 65-58236
Lab. # D-126234 BE

JEROME EUGENE TARTAKOW
INFORMANT

LAB FILE

Examination requested by: SAC, New York 65-15348

Date of reference communication: let. 1/6/51 Date Received: 1/8/51

Examination requested: Document

Result of Examination: Examination by: Dahlgren

No conclusion diagram in pencil Q28 with Julius Rosenberg Kc 2 because of the limited nature of the questioned writing. It is possible that additional ^{known} handprinted letters comparable with those on Q28 would assist in arriving at a definite conclusion. Specimens submitted for examination

Not possible to definitely state that Q28 has been immersed in water because known how this paper would appear if known. Q28 Scraps of paper not assembled and some assembled ~~XXXX~~ to make a sketch of the operational set-up of an Espionage ring of JULIUS ROSENBERG. ^{had} not been in water

(Q28)

B C A S Z
G O

Kc 2 B C C A S G O

Ida

for 1-10-51
1-10-51
1-10-51

Measurements of Q28

Thickness 0.0051 to 0.0056"

Width about 2.95" as assembled

Length " 4.00" as assembled

Rubber like material along top edge suggests that it came from a small pad of paper

RECORDED
12-22-50
ej.

7-12

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Laboratory Work Sheet

CL 124

12/27

Re: JULIUS ROSENBERG, et al;
ESPIONAGE - R

File # 65-58236
Lab. # D-125731 BE

Lab File

Examination requested by: New York 65-15348

Date of reference communication: let 12-20-50

Date Received: 12-22-50

Examination requested: Doc.

Result of Examination:

Examination by: Dahlgren

Ident. Ethel Rosenberg sig. Qc27 with FBI# 490 812 A
Better photograph or original needed if enlargement
should be necessary of Qc 27.

Specimens submitted for examination

Qc27 Photostatic copy of a New York Communist Party Nominating Petition for Councilman dated Mar. 30, 1941 containing the sig. of Ethel Rosenberg, 111 So. 3rd St.

Ethel Rosenberg So 3 St

Hc3 E Rosenberg Rosenberg Lauke

FBI# 490 812 A

Ethel Rosenberg
Ethel Rosenberg 10

Wire
12-26-50
RHD:EGS

Jan 7 1951
12
1/12

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Laboratory Work Sheet

Re: Julius Rosenberg et al
Espionage - R

File # 65-58236
Lab. # D-125231 BE

Lab. File

Examination requested by: New York (65-15348)

Date of reference communication: let. 12/20/50

Date Received: 12/22/50

Examination requested: Doc.

Result of Examination:

Examination by: Blackburn (AE)

Sig "Ethel Rosenberg" on Qc27 Ident FBI #490812A

12/26/50
WEP

Specimens submitted for examination

Qc27 - Photostatic copy of a N.Y. Communist Party Nominating
Petition for Councilman dated Mar. 30, 1941 containing
the sig. of ETHEL ROSENBERG, 111 So. 3rd St.

✓ Compare Rosenberg sig. Qc27 with FBI #490,812A

Qc27 Ethel Rosenberg

Ident

FBI #
490812A

Ethel Rosenberg
Ethel Rosenberg

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Laboratory Work Sheet

Recorded 8-15-50
gcb

JULIUS ROSENBERG
Re: ESPIONAGE - R

File # 65-58236 - 327
Lab. # D-120556 BE

~~CONFIDENTIAL~~

Lab. File

Examination requested by: SAC, New Haven (65-1346)

Date of reference communication: Let. 8-11-50

Date Received: 8-14-50

Examination requested: Document

Examination by: Dahlgren

Result of Examination:

XD
8/16/50

Handwritten note:
Hv. of Rosenberg previously searched
& added to [N.S.F.] file
Copy 7 of 14 retained for future reference.
Specimens submitted for examination

K1. A handwritten letter dated ~~XXXX~~ 2-18-49, written on stationery of
of the "PITT MACHINE PRODUCTS, INC." containing the known handwriting
of JULIUS ROSENBERG.

cc: New York

Handwritten:
Lab. Rpt.
8-17-50
RB

~~CONFIDENTIAL~~

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Laboratory Work Sheet

RECORDED 8-1-50 ew

Re: JULIUS ROSENBERG
ESPIONAGE - R

File # 65-58236
Lab. # D-119923 AX

LAB FILE

Examination requested by: Cleveland (65-2726)

Date of reference communication: Let 7-27-50-

Date Received: 7-31-50

Examination requested: Doc

Result of Examination:

Examination by:

[Signature]
C. DIGAN
8/1/50

*Q24, Q25 has indented message of Q26 ^{hp} Mattie Please do etc -
but not ^{hw} note in answer, Q22, 23 nothing decipherable*

Specimens submitted for examination

- Q22 One sheet of ruled paper.
- Q23 One sheet of ruled paper.
- Q24 One sheet of ruled paper.
- Q25 One sheet of ruled paper.
- Q26 A sheet of ruled paper containing handprinting and handwriting in pencil beginning "LATTIE, Please do not do bathroom"

RETURN EVIDENCE

*Ex. 100-1000
Q22-Q26*

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Laboratory Work Sheet

CL 789

8/4

RECORDED 8-1-50

Re: JULIUS ROSENBERG
ESPIONAGE - R

File # 65-58236-124
Lab. # D-119930 BE

LAB FILE

Examination requested by: New York (65-15348)

Date of reference communication: Let 7-26-50

Date Received: 7-31-50

Examination requested: Doc

Result of Examination:

Examination by: DAHLGREN

2EJ NSF Search

4
No ident dom 5+6 [NSF] 4
Lab 65 per EJ. 8/3/50

Specimens submitted for examination

Kc3 Fifteen photostatic copies of envelopes and accompanying letters bearing the known handwriting and ~~handwriting~~ of ETHEL ROSENBERG.

Lab up
JCC-ew
8-7-50

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

7-2

Laboratory Work Sheet

Lab File

Re: JULIUS ROSENBERG, et al.
ESPIONAGE - R

File # 65-58236
Lab. # D-168100 AF

~~CONFIDENTIAL~~

Examination requested by:

Bureau New York 65-15346
6-12-53

Date of reference communication: 6-12-53

Date received: 6-16-53

Examination requested:

Doc. Fgpt.

Result of Examination:

Examination by: Blackburn

6/16/53
WBB

R.O. Weiss and 6/16/53

Search [N.S.F.] Dom. 5 no ident mtr 6/16/53
Specimens submitted for examination

Q42 Envelope bearing hw address, "Editor Daily News, 220 East 42nd St.
New York City, New York", postmarked New York N. Y. Jun. 11
4:30 PM 1953.

Q43 Accompanying hw letter beginning, "I cannot bear to see——"
and signed on the reverse side GRECO.

Q42 9.5 x 4.15 WBB/M. } Bone white
Q43 8.5 x 10.9 No WBB } Script writing in blue

1 cc
6/16/53
WBB: JAR

~~CONFIDENTIAL~~

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Laboratory Work Sheet

Recorded
7/28/50

CL 229
8/3

Re: JULIUS ROSENBERG
ESPIONAGE - R

~~CONFIDENTIAL~~

File # 65-58236-109
Lab. # D-119836 AF

LAB FILE

Examination requested by: New York (65-15348)

Date of reference communication: Let 7/24/50

Date Received: 7/27/50

Examination requested: Doc

Result of Examination:

Examination by: *[Signature]*

Kc 2 no ident [NSF] Dom. 5 + 6. add 8 5.

8-3-50

8/3/50

Specimens submitted for examination

Kc2 Seventeen photostatic copies of papers containing ~~the~~ hw taken from the Selective Service File of JULIUS ROSENBERG.

Lab R. - gcc:am
8/2/50

~~CONFIDENTIAL~~

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Recorded
7/28/50 cm

Laboratory Work Sheet

CL235
8/2

Re: JULIUS ROSENBERG
ESPIONAGE - R

~~CONFIDENTIAL~~

File # 65-58236-100
Lab. # D-119837 AF

LAB FILE

Examination requested by: New York (65-15348)

Date of reference communication: Let 7/21/50

Date Received: 7/27/50

Examination requested: Doc

Result of Examination:

Examination by: *Adams*

du
K1 no ident [NSF] Remington Pica.
to be added. 8-1-50
E

JCC
8/2/50

Specimens submitted for examination

K1 Three sheets of typewriting taken from a Remington portable ^{typewriter} serial #290917,
found in the apt. of Julius Rosenberg.

Label
8-3-50
JCC

M O R L K e m n p g r a l y

17 ~~CONFIDENTIAL~~

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Laboratory Work Sheet

Recorded
7/27/50 cm

Re: JULIUS ROSENBERG
ESPIONAGE - R

~~CONFIDENTIAL~~

77 A
8/22
File # 65-58236-102
Lab. # D-119801 ~~BE~~

LAB FILE

Examination requested by: New York (A 65-15348)

Date of reference communication: Let 7/21/50

Date Received: 7/26/50

Examination requested: Doc

Result of Examination:

Examination by: *Dahlgren*
~~Blackburn~~

Special photographs of Q4 → Q21 made and the readable material appearing thereon is transcribed on pages attached to report.

Specimens submitted for examination

Should be noted that some of the carbon sheets have been used so many times that certain lines thereon can
Q4 through Q21 Eighteen sheets of used carbon paper.

Return evidence

not be transcribed into intelligible sentences.

*File 65-58236-102
8/31/50
A-119801*

~~CONFIDENTIAL~~

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Recorded
7/27/50 cm

Laboratory Work Sheet

A 1 M
8/1

Re: JULIUS ROSENBERG
ESPIONAGE - R

File # 65-58236
Lab. # D-119799 AF

LAB FILE

Examination requested by: NY (65-15348)

Date of reference communication: Let 7/24/50

Date Received: 7/26/50

Examination requested: Doc

Result of Examination:

Examination by: *Dehgen*
JCG
8/1/50

see below

Specimens submitted for examination

- Q1 One Croton aquamatic man's wristwatch, serial #48363, with the notation on the back AQ.
- Q2 One Clebar man's wristwatch, 17 jewels, with the notation on the back (1d).
- Q3 One Waltham pocket watch and chain with case marked BWC Co., serial #6454038.

Return evidence. Q3 on inside edge of lid covering face on one side near hinge (12 Side) are 1 II IIIII scratches; lower (6) side are II III

Inside back cover initials WFN
no dots

Q3 no dots

Q2 Inside back case is P

JUN 1
1946

no dots

Outside cover WFN

11/48/1K7

Jewels
mark } L.K.Z.

Director, FBI
Att: FBI Laboratory ✓

July 24, 1950

SAC, New York

JULIUS ROSENBERG
ESPIONAGE - R

During a search of the apartment of JULIUS ROSENBERG, 10 Monroe Street, New York City, conducted incident to his arrest on July 17, 1950, three watches were located in the upper right-hand drawer of a bureau located in the living room. The watches are described as follows:

1. One Croton automatic man's wristwatch, serial #48363, with the notation on the back AQ.
2. One Clebar man's wristwatch, 17 jewels, with the notation on the back (ld).
3. One Waltham pocket watch and chain with case marked BWC Company, serial #6454038.

Enclosed herewith are the above-described watches and it is requested that they be examined for the presence of microdots and any other appropriate examination considered advisable. It is requested that these items be returned as they are the property of the subject.

Enc. (3) (REGISTERED MAIL)

RECEIVED JUL 27 1950

65-58226 61-3

D-119499

W31312W

7/27/50

JPL:LS
65-15348

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Recorded
7/27/50 **cm**

Laboratory Work Sheet

Re: JULIUS ROSENBERG
ESPIONAGE - R

File # 65-58236
Lab. # D-119799 AF

LAB FILE

Examination requested by: NY (65-15348)

Date of reference communication: **Let 7/24/50**

Date Received: 7/26/50

Examination requested: Doc

Result of Examination:

Examination by: Alfred J. ...

Returned
8/3/50
Jm

Specimens submitted for examination

- Q1 One Croton aquatic man's wristwatch, serial #48363, with the notation on the back AQ.
Q2 One Clebar man's wristwatch, 17 jewels, with the notation on the back (1d).
Q3 One Waltham pocket watch and chain with case marked BWC Co., serial #6454038.

Return evidence.

NOMINATING PETITION FOR COUNCILMAN

I, the undersigned, do hereby state that I am a duly qualified voter of the borough for which a nomination for councilman is hereby made, and have registered as a voter within the said borough within the past eighteen months; that my place of residence is truly stated opposite my signature hereto and that I intend to support at the ensuing election, and I do hereby nominate the following named person as a candidate of the Communist Party, for nomination for councilman to be voted for at the election to be held on the 7th day of November, 1939.

Name of Candidate	Public Office	Place of Residence	Place of Business
PETER V. CACCHIONE	COUNCILMAN	532 PACIFIC STREET Brooklyn, New York	131 MONTAGUE STREET Brooklyn, New York

And I do hereby appoint

CONSTANCE JACKSON residing at 1477 Pacific Street, Brooklyn, New York

FRANK CESTARE residing at 506 Myrtle Avenue, Brooklyn, New York

BESSIE DE JONG residing at 29 Brighton 7th Court, Brooklyn, New York

as a committee to fill vacancies in accordance with the provisions of the election law.

IN WITNESS WHEREOF I have hereunto set my hand the day and year placed opposite my signature.

Date	Name of Signer	Residence	Election District	Assembly District
1. 8/13 1939	Ethel Rosenberg	111 So. 3rd St. County of Kings	11	14 A.D. County of Kings
2. 8/13 1939	Sam Jagan	101 Grand St. County of Kings	2	14 A.D. County of Kings
3. 8/13 1939	Stella H. Bogarsky	111 So. 3rd St. County of Kings	11	14 A.D. County of Kings
4. 8/13 1939	Anthony Mureika	17 Fillmore Pl. County of Kings	9	14 A.D. County of Kings
5. 8/13 1939	Paul Thypot	358 Wythe Ave County of Kings	1	14 A.D. County of Kings

STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF KINGS

SS:

J. Hrynchuk
(Name of witness to signers of petition)

being duly sworn, says: I am a duly qualified voter of the

State of New York and now reside at 118 So. 3rd St. in the County of Kings in the
(Fill in street and house number)

City of New York, in the State of New York. I was last registered for the general elections in the year from

118 So. 3rd St. in City of New York County of Kings in such State. I know
(Fill in street and house number where you live)

each of the voters whose names are subscribed to the above sheet of the foregoing petition containing 5 signatures
(Fill in No.)

and each of them subscribed the same in my presence and upon so subscribing declared to me that the foregoing statement, made and subscribed by him or her, was true.

Sworn to before me this SEP day of , 1939

Notary Public: *John Hrynchuk* County No. 124

Commission expires: 30 1941

Commission expires: 30 1941

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICELaboratory Work Sheet

NO LAB FILE

Re:

JULIUS ROSENBERG, et al
ESPIONAGE - R

File #

Lab. #

65-58236

D 127127 BE

Examination requested by:

Date of reference communication: New York 65-15348

Date received:

Examination requested: 1-25-51

1-26-51

Result of Examination: Doc

Examination by:

Dahlgren

Specimens submitted for examination

Photocopy
Qc27 Communist Party Nominating Petition for Candidate Peter V. Cacchione
Dated Mar. 30, 1941, bearing the sig ETHEL ROSENBERG 111 So. 3rd St.,
on line one.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-29-86 BY 3042 *put - DSC*

To the Board of Elections in the City of New York

I, the undersigned, do hereby state that I am a duly qualified voter of the political unit for which nomination for public office is hereby made; that my place of residence is truly stated opposite my signature hereon, and that I intend to support at the ensuing election, and I do hereby nominate the following named person as candidate for nomination for public office to be voted for at the election to be held on the 5th day of November 1940, and that I select the name **WORKERS PARTY** as the name of the independent body making the nomination, and the "Circled Arrow" as the emblem of such body.



NAME OF CANDIDATE	PUBLIC OFFICE	PLACE OF RESIDENCE	PLACE OF BUSINESS
Max Shachtman	Representative in Congress, 2nd Congressional District, County of Bronx, City of New York	967 Tinton Avenue Bronx, N.Y.	114 West 14th Street New York City

I do hereby appoint: (all of whom are qualified voters in such political unit)

Howard Roth, whose address is 1161 Shakespeare Avenue, Bronx, N.Y.
 Manuel Weinstein, whose address is 1532 Seabury Place, Bronx, N.Y.
 Max Mont, whose address is 967 Tinton Avenue, Bronx, N.Y.

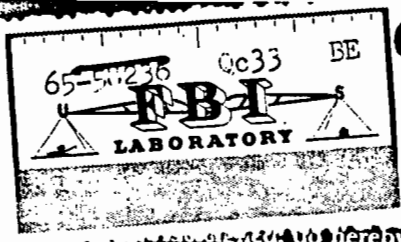
as a committee to fill vacancies in accordance with the provisions of the election law.

IN WITNESS WHEREOF I have hereunto set my hand the day and year placed opposite my signature.

DATE	FULL NAME OF SIGNED	RESIDENCE	Electoral District	Assembly District
1 AUG 29 1940	George Kolb	936 Tinton Ave Borough of Bronx, New York	19	1
2 AUG 29 1940	Sieg Altman	1113 Teller Ave Borough of Bronx, New York	54	2
3 AUG 29 1940	Benjamin Rosen	820 Convent Ave Borough of Bronx, New York	6	3
4 AUG 29 1940	Joseph Stern	835 E 163 St Borough of Bronx, New York	1	4
5 AUG 29 1940	Robert Carter	982 Union Ave Borough of Bronx, New York	2	4
6 AUG 29 1940	Edward Kibbe	2800 Briggs Ave Borough of Bronx, New York	130	8
7 AUG 29 1940	Stanley S. Pomeroy	145 Wyckoff Pl Borough of Bronx, New York	111	2
8 AUG 29 1940	Augusta Brown	1440 Convent Ave Borough of Bronx, New York	109	6
9 AUG 29 1940	Joe Smokey	1365 College Ave Borough of Bronx, New York	77	✓
10 AUG 29 1940	Edith Levina	1594 Throgs Neck Rd Borough of Bronx, New York	121	2
11 AUG 29 1940	Harry Blum	1355 G. Convent Borough of Bronx, New York	98	2
12 AUG 29 1940	Miriam Richman	879 Freeman St Borough of Bronx, New York	38	5
13 AUG 29 1940	Abraham	2683 Morris Ave Borough of Bronx, New York	110	8
14 AUG 29 1940	David Feldman	1916 Hamilton Ave Borough of Bronx, New York	30	8
15 AUG 29 1940	Paul Adoff	86 S. 17 St Borough of Bronx, New York	44	5
16 AUG 29 1940	Stefan	876 E 172 St Borough of Bronx, New York	42	5
17 AUG 29 1940	F. Vally	850 E 181 St Borough of Bronx, New York	27	7
18 AUG 29 1940	M. Brodsky	780 E 170 St Borough of Bronx, New York	30	7
19 AUG 29 1940	Julius Rosenberg	753 Tinton Ave Borough of Bronx, New York	13	3
20 AUG 29 1940	James J. Blake	935 Throgs Neck Rd Borough of Bronx, New York		

STATE OF NEW YORK
 CITY OF NEW YORK
 COUNTY OF BRONX

Max Mont, being duly sworn, says: I am a duly qualified voter of the State of New York and now reside in the Borough of Bronx, City of New York, in the County of Bronx, in such state at **967 Tinton Ave** (Borough, Street Number and Postoffice) therein. The said residence is in the **2nd** Assembly District. I was last registered for the general election in the City of New York at **114 West 14th Street** (Borough, Street Number and Postoffice) in the Borough of **Manhattan**, City of New York, in the County of **New York**, in such state. The said residence is in the **2nd** Assembly District.



PETITION FOR COUNCILMAN

I do hereby state that I am a duly qualified voter of the borough for which a nomination for councilman is hereby made, and have registered as a voter within the said borough within the past eighteen months, that my place of residence is truly stated opposite my signature hereto and that I intend to support at the ensuing election, and I do hereby nominate the following named person as a candidate of the Communist Party for nomination for councilman to be voted for at the election to be held on the 7th day of November, 1939.

Name of Candidate	Public Office	Place of Residence
ISIDORE BEGUN	Councilman Member of Council Borough of Bronx	740 Coudwell Avenue Bronx New York 35 East 12th Street New York New York

And I do hereby appoint

- MORRIS L. OLKEN, residing at 2800 Bronx Park East, Bronx, New York
- ANTHONY V. TRONE, residing at 1094 Creston Ave, Bronx, New York
- MOLLIE LICHTENSTEIN, residing at 1893 Longfellow Ave, Bronx, New York

as a committee to fill vacancies in accordance with the provisions of the election law.

IN WITNESS WHEREOF I have hereunto set my hand the day and year placed opposite my signature.

Date	Name of Voter	Residence	Assembly District
Aug 4 1939	George Speiser	114 Woodford Ave County of Bronx	31 AD County of Bronx
Aug 11 1939	Mark Reich	642 Concord Ave County of Bronx	3 AD County of Bronx
Aug 11 1939	William Blusman	957 Brewster Ave County of Bronx	9 AD County of Bronx
Aug 14 1939	Anne Weiner	1901 St. Lawrence Ave County of Bronx	6 AD County of Bronx
Aug 15 1939	John Sharkey	2100 Curtis Ave County of Bronx	37 AD County of Bronx
Aug 17 1939	Clarence A. Phelan	540 Rosedale Ave County of Bronx	6 AD County of Bronx
7 1939		County of Bronx	AD County of Bronx
8 1939		County of Bronx	AD County of Bronx
9 1939		County of Bronx	AD County of Bronx
10 1939		County of Bronx	AD County of Bronx

STATE OF NEW YORK
COUNTY OF BRONX }

Harold Lieberman
(Name of witness to signature of petitioner)

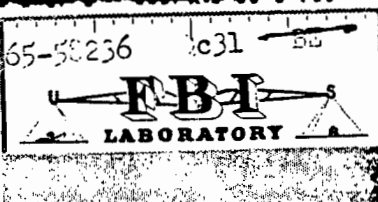
being duly sworn, says: I am a duly qualified voter of the State of New York and now reside at 610 Concord Ave (Fill in street and house number) in the county of Bronx in the City of New York. I was last registered for the general election in the year 1938 from 610 Concord Ave in the county of Bronx in the City of New York in such State. I know each of the voters whose names are subscribed to the above sheet of the foregoing petition containing 6 signatures and each of them subscribed the same in my presence and upon so subscribing declared to me that the foregoing statement made and subscribed by him or her, was true.

Sworn to before me this

4th day of October 1939

Harold Lieberman

Notary Public, Commission Expires 3/30/41
Be Co #6



MINATING PETITION—COMMUNIST PARTY

To the Board of Elections in the City of New York:

I, the undersigned, do hereby state that I am a duly qualified voter of the political unit for which a nomination for public office is hereby made, that my place of residence is truly stated opposite my signature hereto and that I intend to support at the ensuing election, and I do hereby nominate the following named person as candidate for nomination for public office to be voted for at the election to be held on the 18th day of FEBRUARY, 1941, and that I select the name COMMUNIST PARTY as the name of the independent body making the nomination, and spade and hoe.



as the emblem of such body

NAME OF CANDIDATE	PUBLIC OFFICE	PLACE OF RESIDENCE	PLACE OF BUSINESS
Avron Land	State Senator from 4th Senate District of New York State	92 Bay 11th Street, Borough of Brooklyn, New York, N.Y.	35 East 12th Street, Borough of Manhattan, New York, N.Y.

I do hereby appoint:

- Peter V. Cacchione residing at 91 Bay 31st Street, Brooklyn, New York, N.Y.
Milton Konove residing at 1935 79th Street, Brooklyn, New York, N.Y.
Armando Maggarino residing at 1744 79th Street, Brooklyn, New York, N.Y.

all of whom are voters within such political unit, as a committee to fill vacancies in accordance with the provision of the election law.

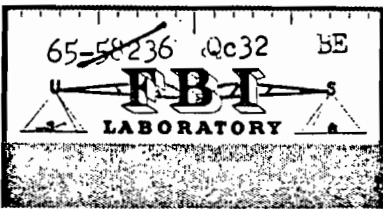
IN WITNESS WHEREOF, I have hereunto set my hand the day and year placed opposite my signature

DATE	NAME OF SIGNER	RESIDENCE	Election District	Assembly District
Feb 11, 1941	Harry Chermoff	13 Hegeman Avenue, Borough of BROOKLYN, New York, N.Y.	139	2
Feb 11, 1941	Julius Rosenberg	13 Hegeman Avenue, Borough of BROOKLYN, New York, N.Y.	139	2
Feb 11, 1941	Harry Chermoff	13 Hegeman Avenue, Borough of BROOKLYN, New York, N.Y.	139	2
Feb 11, 1941	Jack Lisker	510 E 95th St, Borough of BROOKLYN, New York, N.Y.	136	2
Feb 11, 1941	Charles Shoenberg	13 Hegeman Avenue, Borough of BROOKLYN, New York, N.Y.	140	2

STATE OF NEW YORK
COUNTY OF Kings
I, Morris Smith, being duly sworn, says: I am a duly qualified voter of the State of New York and now reside in the Borough of Brooklyn, City of New York in the County of Kings, in such state at 1831 St. John's Place, Brooklyn, therein. The said residence is in the 18 Election District of the 23 Assembly District. I was last registered for the general election in the year 1934 from 1831 St. John's Place, Brooklyn, in the Borough of Brooklyn, City of New York in the County of Kings. The said residence is in the 18 Election District of the 23 Assembly District. I know each of the voters whose names are subscribed to the above sheet of the foregoing petition containing 5 signatures and each of them subscribed the same in my presence and upon so subscribing declared to me that the foregoing statement made and subscribed by him or her, was true.

Sworn to before me, this 1st day of February, 1941.
Rose Roth (Signature of Officer)
Morris Smith (Signature of Witness)

NOTARY PUBLIC, Kings County
Kings County Clerk's Office No. 288
N.Y. Co. Clk. No. 88, Exp. No. 21409
Commission expires March 31, 1942



PETITION FOR COUNCILMAN

I, the undersigned, do hereby state that I am a duly qualified voter of the borough for which nomination for councilman is hereby made, and have registered as a voter within the said borough within the past eighteen months; that my place of residence is hereby stated opposite my signature hereto and that I intend to support at the ensuing election, and I do hereby nominate the following named person as a candidate of the Communist Party, for nomination for councilman to be voted for at the election to be held on the 7th day of November, 1939.

Name of Candidate

PAUL CROSBIE

Public Office

Councilman

Member of Council
Borough of Queens

Place of Residence

39-22-49th Street
Long Island City, New York

Place of Business

135 William Street
New York, New York

And I do hereby appoint

AUGUST S. FRAHM, residing at 40-10-35th Avenue, Long Island City, New York

SOLOMON MODELL, residing at 89-19 Sutphin Boulevard, Jamaica, New York

GEORGE GRAVES, residing at 92-17-104th Street, Corona, New York

as a committee to fill vacancies in accordance with the provisions of the election law.

IN WITNESS WHEREOF I have hereunto set my hand the day and year placed opposite my signature.

Date	Name of Signer	Residence	Election District	Assembly District
9/7 1939	Julius Rosenberg	43-39-47 St County of Queens	26	2 A.D. County of Queens
9/7 1939	Sophie Lerner	47-1-45th St County of Queens	22	2 A.D. County of Queens
Sept 7 1939	William J. ...	47-21-45th St County of Queens	22	2 A.D. County of Queens
Sept 7 1939	Charles Hansen	47-15-40th St County of Queens	22	2 A.D. County of Queens
9/7 1939	Flurence Kay	47-05-45th St County of Queens	22	2 A.D. County of Queens

STATE OF NEW YORK
COUNTY OF QUEENS

SS

Belia Balogh
(Name of witness to signature of petitioner)

being duly sworn, says: I am a duly qualified voter of the

State of New York and now reside at

43-39 47th St Long Island City

(Fill in street and house number)

in the county of Queens

in the City of New York. I was last registered

for the general election in the year 1938 from

43-39 47th St

in the county of Queens

in the City of New York, in such state. I know each of the voters whose names are subscribed to the above sheet

of the foregoing petition containing 5 signatures and each of them subscribed the same in my presence and

upon so subscribing declared to me that the foregoing statement, made and subscribed by him or her, was true.

Sworn to before me this

16th

Sept

1939

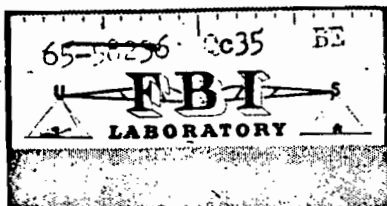
Julius Rosenberg

Notary Public, Commissioner of Deeds

Belia Balogh

(Signature of Witness)

110



MUNIST PARTY

INDEPENDENT NOMINATING PETITION

To the Secretary of State of the State of New York:

I, the undersigned, do hereby state that I am a duly qualified voter of the political unit for which a nomination for public office is hereby made, that my place of residence is truly stated opposite my signature hereto and that I intend to support at the ensuing election, and I do hereby nominate the following named persons as candidates for nomination for public offices to be voted for at the election to be held on the 3rd day of November, 1942, and that I select the name COMMUNIST PARTY as the name of the independent body making the nominations and

SPADE AND HOE IN A CIRCLE



as the emblem of such body.

NAME OF CANDIDATE	PUBLIC OFFICE	PLACE OF RESIDENCE	PLACE OF BUSINESS
ISRAEL AMTER	Governor New York State	226 East 12th Street New York, N. Y.	35 East 12th Street New York, N. Y.
FRANK HERRON	Lieutenant-Governor New York State	112 South Division Street Buffalo, N. Y.	75 1/2 W. Chippewa Street Buffalo, N. Y.
FRED BRIEHL	Comptroller New York State	Walhill, Ulster Co. New York	Walhill, Ulster Co. New York
BENJAMIN J. DAVIS, Jr.	Attorney-General New York State	1 West 12th Street New York, N. Y.	38 East 12th Street New York, N. Y.
ROBERT MINOR	Representative-at-Large in U. S. Congress from New York State	Mt. Airy Road Canton-on-Hudson, N. Y.	35 East 12th Street New York, N. Y.
ELIZABETH GURLEY FLYNN	Representative-at-Large in U. S. Congress from New York State	224 East 12th Street New York, N. Y.	35 East 12th Street New York, N. Y.

I do hereby appoint:

SIMON W. GERSON, residing at 52 East 99th Street, Borough of Manhattan, New York, N. Y.
PETER V. CACCHIONE, residing at 8750 Bay Parkway, Borough of Brooklyn, New York, N. Y.
PAUL CROSHIE, residing at 39-22 - 44th Street, Long Island City, Borough of Queens, New York, N. Y.
CARL BRODSKY, residing at 245 East 11th Street, Borough of Manhattan, New York, N. Y.
GILBERT GREEN, residing at 68 Stratford Road, Borough of Brooklyn, New York, N. Y.

all of whom are voters within such political unit, as a committee to fill vacancies in accordance with the provision of the election law.

IN WITNESS WHEREOF, I have hereunto set my hand the day and year placed opposite my signature.

DATE	FULL NAME OF SIGNER	RESIDENCE	Election District	City	Kings County Assembly District
July 8, 1942	Maurice M. M.	171 George St.	167	New York	2
July 8, 1942	Livinge Ireland	808 Tenth St.	127	New York	18
July 8, 1942	Julius Rosenberg	133 11th St.	3	New York	6
July 8, 1942	Hyman Gelboim	285 E 91 St		New York	
July 8, 1942		Borough of Brooklyn, New York		New York	

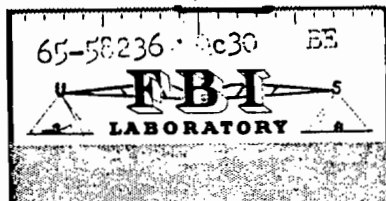
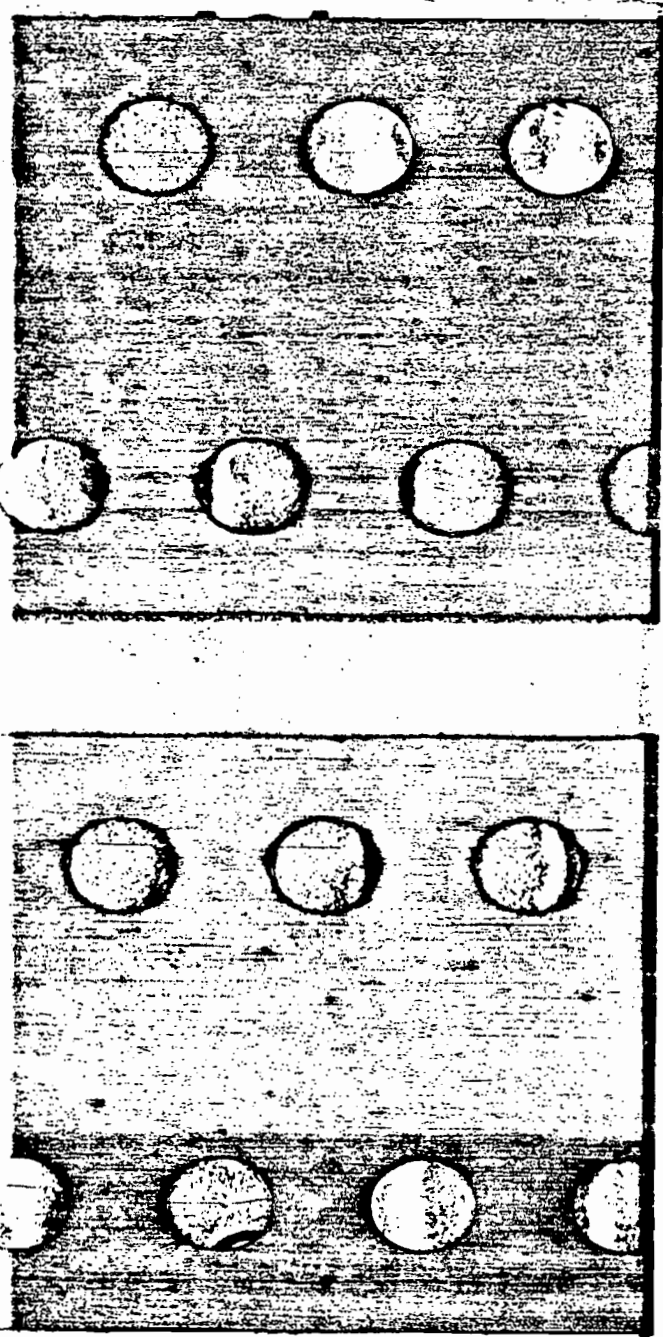
STATE OF NEW YORK,
CITY OF NEW YORK,
COUNTY OF KINGS,

I, Hyman Gelboim, being duly sworn, says: I am a duly qualified voter of the State of New York and now reside in the Borough of Brooklyn, City of New York, in the County of Kings in such state at 285 E 91 St Brooklyn, N. Y., therein. The said residence is the 130 Election District of the 18 Assembly District, Kings County. I was last registered in the general election in the year 1941 from 285 E 91 Street Brooklyn, N. Y., in the Borough of Brooklyn, City of New York, in the County of Kings, in such state. The said residence is in the 130 Election District of the 18 Assembly District, Kings County. I know each of the voters whose name are subscribed to the above sheet of the foregoing petition containing 3 signatures and each of them subscribed the same in my presence and upon so subscribing declared to me that the foregoing statement, made and subscribed him or her, was true.

Sworn before me, this 5th

day of August, 1942.
Joseph P. [Signature]
NOTARY PUBLIC
My Comm. Expires [blank] at [blank] o'clock, P. M.
[blank] [blank] [blank]

Hyman Gelboim
(Signature of Witness)



Dept. of Justice - NEW YORK FIELD

1948 Membership Book

No. 6608

Name Julius Rosenberg

(PRINT)

State N.Y.

County N.Y.

Section (A.D. or W.D.) D



Signature of [illegible]

Chairman of Board

Post

[Handwritten notes and signatures are present throughout the form, including a large 'X' mark across the middle.]

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICELaboratory Work Sheet

RECORDED 3-21-51

Re: JULIUS ROSENBERG, et al
Espionage - RFile # 65-58236
Lab. # D-129621 BE

LAB FILE

Examination requested by: New York 65-15348

Date of reference communication: let. 3-20-51

Date received: 3-21-51
mdp

Examination requested: Doc.

Result of Examination:

Examination by: DAHLGREN

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/29/86 BY 3042 put-DJCSpecimens submitted for examination

- Qc30 Photographic copy of a 1940 Communist Party Membership Book #6602, bearing the name "JULIUS ROSENBERG."
- Qc31 Photostatic copy of an Independent Nominating Petition-Communist Party, page #705, dated 2-3-41, bearing the sig. "JULIUS ROSENBERG" on line 2.
- Qc32 Photostatic copy of a Communist Party Nominating Petition For Councilman, page #110, dated 9-26-39, bearing the sig. "JULIUS ROSENBERG" on line 1.
- Qc33 Photostatic copy of a Communist Party Nominating Petition For Councilman, page #125, dated 10-4-39, bearing the sig. "JULIUS ROSENBERG" on line 5.
- Qc34 Photostatic copy of a Communist Party Independent Nominating ~~XXXX~~ Petition, page #142, dated 10-4-40, bearing the sig. "JULIUS ROSENBERG" on line 19.
- Qc35 Photostatic copy of a Communist Party Independent Nominating Petition, page #72, dated 8-5-42, bearing the sig. "JULIUS ROSENBERG" on line 3.

Sure smart kikes dont
betray other kikes

HOT DOG FRANKFURT
WILL SAVE THEM
STINKERS

SOOTY ALL YOU

KIKES WILL

HANG!!!

KKK

AIRLINE TRIP INSURANCE

S T A M



~~P R E S S - M A N U S C R I P T~~

Te

YOUR HOME OR OFFICE QUANTIFIABLE

Address

City

Zona

State

2000

AD F

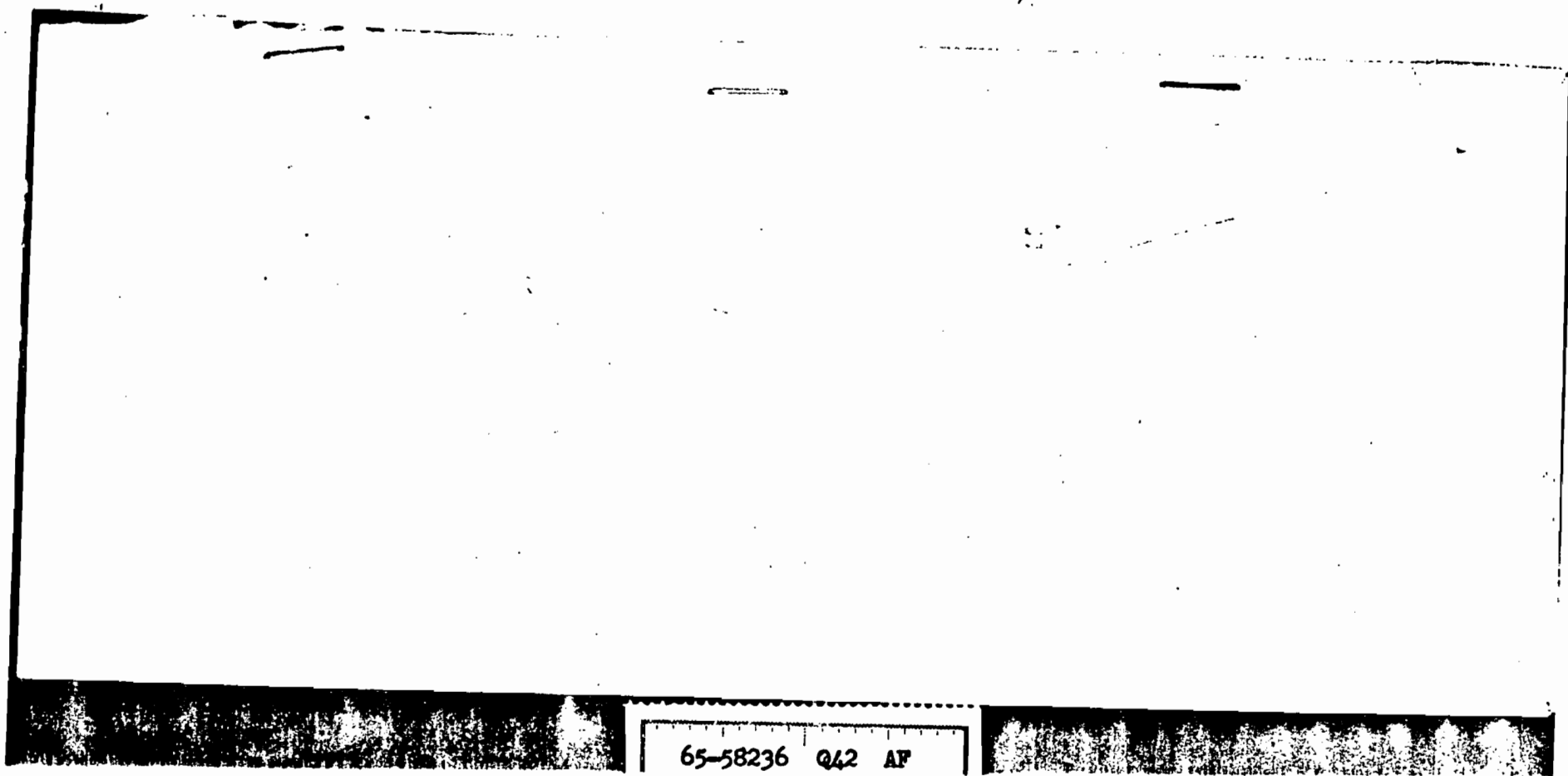
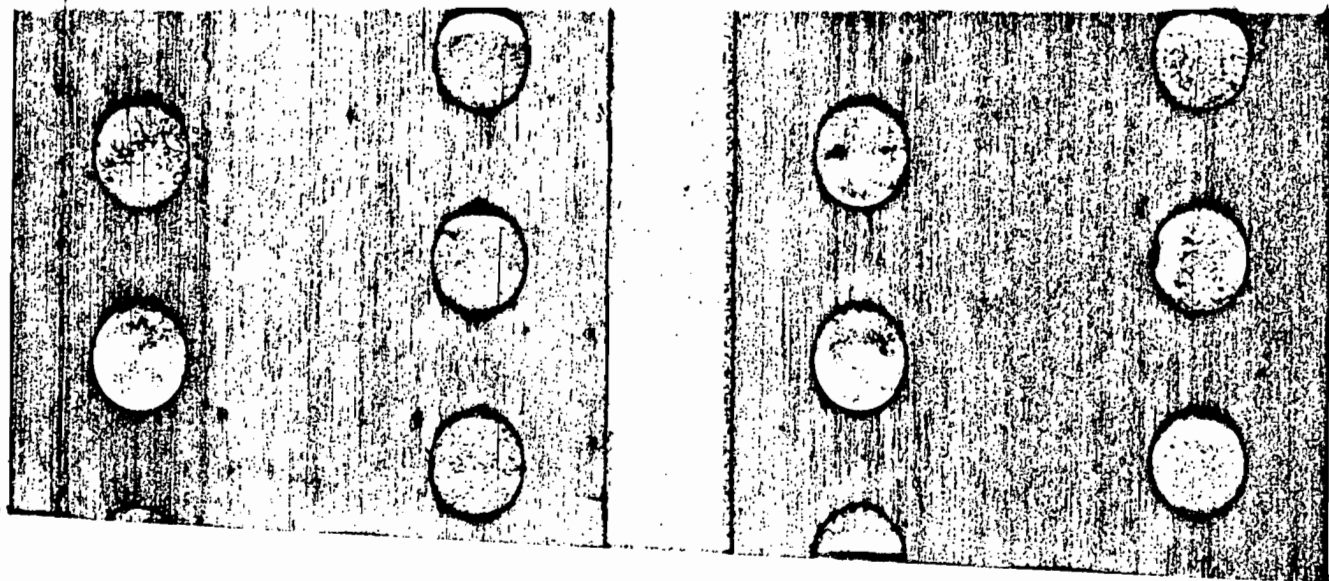


SAVE THE EASY WAY
BUY U.S. BONDS
PAYROLL SAVINGS



Editor
Daily News
220 East 42nd St.
New York City, New York
Important
New Evidence Rosenberg Case!

65-58236 Q42 AF



65-58236 Q42 AF

Daily News
220 East 42nd St.

Dear Sir

I cannot bear to see the Rosenbergs punished for the work of what I know is a ring of which I was part.

I will herein name some of the guilty parties so that you will know the truth of what I write. Then I will talk to the authorities through Professor Sidney Hook of New York University, if I am assured in newspaper public notice advertisements that I will have immunity. Refer to me in the advertisements as "Greco".

The evidence which you can easily check —

From 1941 - 1945, a spy transmission ring existed for sending plans and models to Russia via ships of the National Maritime Union. Some of the "cadres" were:

Richard Pack and father, radio broadcaster and automotive engineer from the mid-west.

Joseph Curran president of the National Maritime Union, elected by Communists.

Edward T. Chyffitz physicist, graduate of mid-western college, who lived in Russia, came back to head an Auto-Workers Union and "sold out" as a camouflage, to Eric Johnston, in order to conceal his Communist background and spy-activities.

(over)

There are but a few of the names I shall give you, if you follow instructions.

Remember - public notice was to "Greco". Designate a meeting place - no phony! I prefer to talk to Professor Sidney Hook alone, first. He is the only one I trust.

I can't bear to see hundreds of cowards keeping still while two people are made scapegoats to satisfy the law.

Spies have ethics too, as you can see.

Greco

Tuesday, April 9th

Mr. Cammarota:

As I intimated at our meeting circumstances are such as to require an immediate clarification of my position.

Several days ago I requested and obtained permission to visit with Rosenberg in his cell for several hours each evening. Nothing of importance has resulted from our conversations (with the possible exception of the statement that his "first contact from the Soviet Union was a Jew, an Engineer, and from Kharkov",) other than continued instructions in the procedure to be followed upon "my release". As you are no doubt aware, his attorney was here Saturday and, among other statements, informed Rosenberg that "public sentiment" would be a pertinent factor in the struggle to save his life. Rosenberg informs me that word has reached his attorney of impending "European reaction" to the sentence: "My friends in Europe (and I assume that he assumes we understand the allusion) will not remain idle" he explains contentedly. With reference to his "friends" here, the attorney awaits "word and funds". There is absolutely no talk of "negotiating" with the government, not for himself nor his wife.

As per arrangements I made myself visible to his attorney to facilitate future contact. He also left additional instructions with Rosenberg regarding "Retort!" - relative to Brothman's thesis and to the manner (coded) in which contact is to be established between his office and my future intermediaries. I was given to understand that Howard Fast, a personal friend both of Bloch and Dennis, will edit the commentaries on the trials for the publication. It has been definitely decided to make available for my immediate use (upon release), among other items I mentioned previously, two thousand dollars. I believe they arrived at this sum not only because it represents a sufficient amount to cover all necessary purchases (initial purchases, that is), but also in order to observe my actions and conduct at what might be a minimum loss. I have, over the weekend, been given the names of the "contacts" in New York, Detroit, Chicago, and California, as well as the coded message I am to use in greeting. Since, to their best knowledge, I have only a few days remaining, they are anxious to prepare me for the task ahead, and the greatest part of the time is spent in discussing the publication and the underground methods of operation to be utilized. The much more important realization of my accepting this assignment lies in the statement made Sunday by Rosenberg: "If you successfully complete this I'm going to make certain you meet with my friends for more important work". This is the point I was trying to establish when we met last week, and a conclusion I have recognized and awaited since my first intimacy with this man. I am absolutely certain that a complete submission to his plans and desires at this time will ultimately result in the establishment of contact with his friends. Furthermore, surely you recognize, as I do, the wisdom and benefit of positioning a person of my relation-

ship to the government in this embryonic organization rather than some staunch Communist - as the case will surely be. And in the last analysis, only through the medium of this publication will I be able to approach such possibly otherwise unapproachables as William Perl and the "Cleveland revolutionaries". "Retort!" for me, for us, can be the Open Sesame to many future accomplishments in our government's behalf.

This week arrangements are to be made to complete my alignment with the task, certain positive steps which I do not intend to accept unless my position and the future is made clear to me. I cannot further implicate myself, nor associate myself, under the present uncertain set-up. Circumstances are being to lead to the inclusion of other people beside myself, and if I am not careful and do not think of the future I will eventually discover myself in a very uncomfortable position. I am willing to be totally cooperative - because the purpose is such as it is - but sheer decency requires reciprocity. My request is indeed small in comparison, and you must admit that I have never requested nor intimated a desire for personal reward other than the one which would best serve the government's purposes as well as mine. There are many methods available to the government which could make instantaneously possible my release in time for the holidays (and their assignment), especially since it is not primarily a move designed to benefit me. You have to date been very decent and candid in your relationship with me and I hope you will understand and respect this particular desire of mine because it is one to which I have given much thought. If the government does not wish nor require my services in the manner proffered than I intend this to be my final week of negotiation - with both parties. I believe I can repeat without seeming facetious that my offer of sincere and honorable servitude for as long as is necessary is most surely "worth" the granting of my earnestly desired wish.

From you I ask a definite commitment: whether or not I am to be released by the 20th of this month and allowed to work with you in this matter. I shall appreciate hearing from you by Friday, at which time I must commit myself definitely to my friends here.

Respectfully yours,


Jerry Tartakow

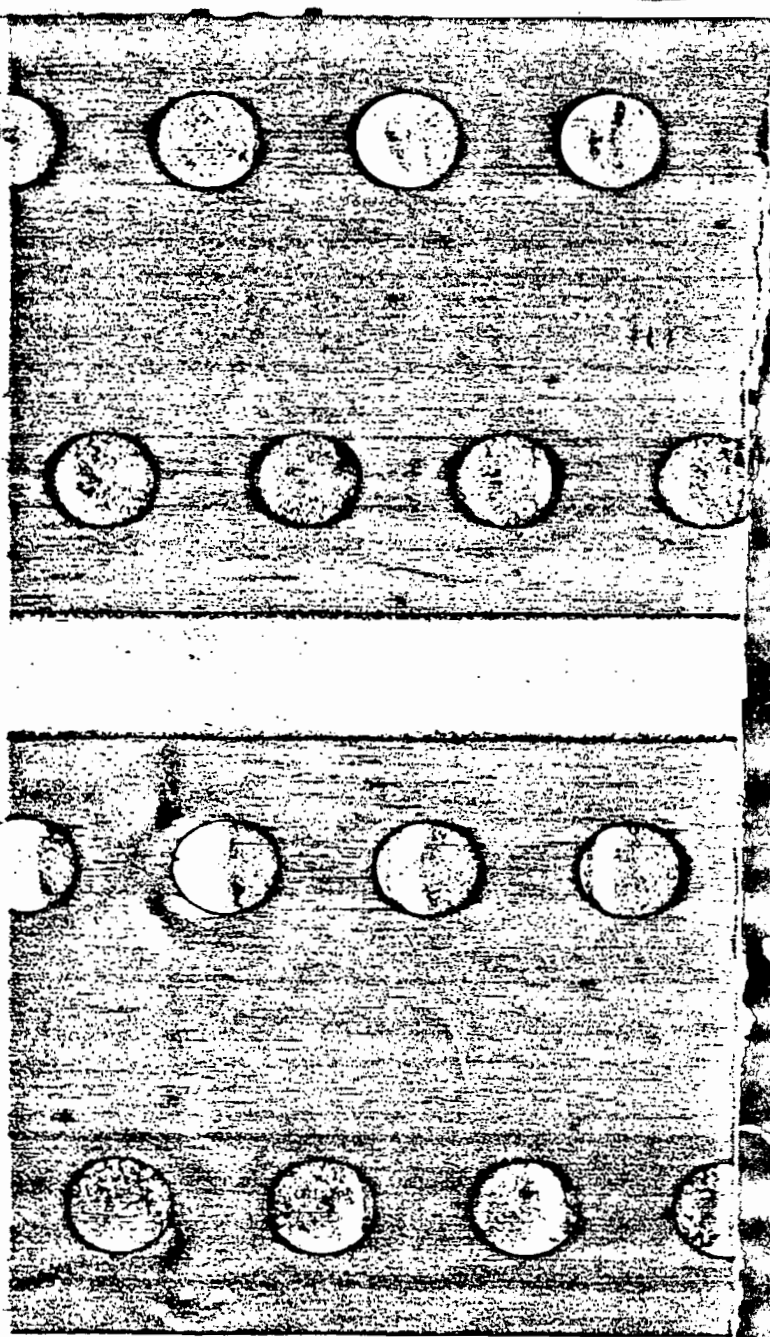
Please excuse everything hurried about this letter. I have to continuously look over my shoulder!

65-58236

036



Mr. Cammarota



Dear Mr. President,
Please don't leave my
brother and I without a
Mama and Daddy.

They have always been
part to us. We love them
very much.

Michael and Robert
Rosenberg

36 Laurel Hill Terrace
New York, N.Y.

65-59236 Q40

1/2 5/11
Mr. 2 P.M.
The 1st of 1/1

Dear President Eisenhower,

I saw on television on Monday, Mr. Oatis is not in jail in Europe any more because the President of the country let him go. It said his wife wrote a letter to the President over there and told him Mr. Oatis should be let go. I think it is a good thing to let him go home because I know prison is a very bad place for anybody to be.

My mom and dad are in prison in New York. My brother is six years old. His name is Robby. He misses them very much. I miss them

too. I got the idea to write
to you from Mr. Oatis on
television. Please let my mom
and daddy go, and not
let anything happen to them.
If they come home Robby
and I will be very happy.
We will thank you very much.

Very truly yours,
Michael Rosenberg

MASTER



490 812 A
LEAVE THIS SPACE BLANK

65-58236

MALE

Name ROSENBERG ETHEL
(Surname) (First name) (Middle name)
(Please type or print plainly)

Class. 16 M 17/11 TEO 11
14 3 W MIO

Alias _____
No. 1113-5 Color W Sex F

Ref. _____

RIGHT HAND

1. Thumb <u>16</u> 	2. Index finger <u>16</u> 	3. Middle finger <u>16</u> 	4. Ring finger <u>16</u> 	5. Little finger <u>11</u>
------------------------	-------------------------------	--------------------------------	------------------------------	--------------------------------

LEFT HAND

6. Thumb <u>16</u> 	7. Index finger <u>16</u> 	8. Middle finger <u>16</u> 	9. Ring finger <u>16</u> 	10. Little finger <u>16</u>
------------------------	-------------------------------	--------------------------------	------------------------------	---------------------------------

Impressions taken by: C. F. Norton
(Signature of official taking prints)
Date 8-11-50

Note amputations

Signature of person fingerprinted:
Ethel Rosenberg

Four fingers taken simultaneously

Four fingers taken simultaneously

Left Hand

Left thumb	Right thumb

Right Hand

DO NOT FOLD THIS CARD

16-53008-1 U. S. GOVERNMENT PRINTING OFFICE

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Impressions taken by: William F. Norton Jr.
(Signature of official taking prints)
Date impressions taken August 11, 1950

Note amputations

Signature of person fingerprinted:
Ethel Rosenberg

Four fingers taken simultaneously

Four fingers taken simultaneously

Left Hand

Left thumb	Right thumb

Right Hand

PLEASE DO NOT FOLD THIS CARD

U. S. GOVERNMENT PRINTING OFFICE 7-2203

NOMINATING PETITION FOR COUNCILMAN

I, the undersigned, do hereby state that I am a duly qualified voter of the borough for which a nomination for councilman is hereby made, and have registered as a voter within the said borough within the past eighteen months; that my place of residence is truly stated opposite my signature hereto and that I intend to support at the ensuing election, and I do hereby nominate the following named person as a candidate of the Communist Party, for nomination for councilman to be voted for at the election to be held on the 7th day of November, 1939.

Name of Candidate	Public Office	Place of Residence	Place of Business
PETER V. CACCHIONE	COUNCILMAN	532 PACIFIC STREET Brooklyn, New York	131 MONTAGUE STREET Brooklyn, New York

And I do hereby appoint

CONSTANCE JACKSON residing at 1477 Pacific Street, Brooklyn, New York

FRANK CESTARE residing at 506 Myrtle Avenue, Brooklyn, New York

BESSIE DE JONG residing at 29 Brighton 7th Court, Brooklyn, New York

as a committee to fill vacancies in accordance with the provisions of the election law.

IN WITNESS WHEREOF I have hereunto set my hand the day and year placed opposite my signature.

Date	Name of Signer	Residence	Election District	Assembly District
1. 8/13 1939	Ethel Rosenberg	111 So. 3rd St. County of Kings	11	14 A.D. County of Kings
2. 8/13 1939	Sam Jagan	101 Grand St. County of Kings	2	14 A.D. County of Kings
3. 8/13 1939	Stella H. Pogarsky	111 So. 3rd St. County of Kings	4	14 A.D. County of Kings
4. 8/13 1939	Anthony Mureika	17 Fillmore Pl. County of Kings	9	14 A.D. County of Kings
5. 8/13 1939	Paul Thypot	358 Wythe Ave County of Kings	1	14 A.D. County of Kings

STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF KINGS } SS:

J. Hrynchuk
(Name of witness to signers of petition)

being duly sworn, says: I am a duly qualified voter of the

State of New York and now reside at 118 So. 3rd St. in the County of Kings in the
(Fill in street and house number)

City of New York, in the State of New York. I was last registered for the general elections in the year _____ from
118 So. 3rd St. in City of New York County of Kings in such State. I know
(Fill in street and house number where you live)

each of the voters whose names are subscribed to the above sheet of the foregoing petition containing 5 signatures
(Fill in No.)

and each of them subscribed the same in my presence and upon so subscribing declared to me that the foregoing statement, made and subscribed by him or her, was true.

Sworn to before me this SEP
8 day of SEPT 1940, 1939

Notary Public John Hrynchuk County No. 124

Commission expires MAY 30 1941 1941

(Signature of Witness)

NOMINATING PETITION FOR COUNCILMAN

I, the undersigned, do hereby state that I am a duly qualified voter of the borough for which a nomination for councilman is hereby made, and have registered as a voter within the said borough within the past eighteen months; that my place of residence is truly stated opposite my signature hereto and that I intend to support at the ensuing election, and I do hereby nominate the following named person as a candidate of the Communist Party, for nomination for councilman to be voted for at the election to be held on the 7th day of November, 1939.

Name of Candidate	Public Office	Place of Residence	Place of Business
PETER V. CACCHIONE	COUNCILMAN	532 PACIFIC STREET Brooklyn, New York	131 MONTAGUE STREET Brooklyn, New York

And I do hereby appoint

CONSTANCE JACKSON residing at 1477 Pacific Street, Brooklyn, New York

FRANK CESTARE residing at 506 Myrtle Avenue, Brooklyn, New York

BESSIE DE JONG residing at 29 Brighton 7th Court, Brooklyn, New York

as a committee to fill vacancies in accordance with the provisions of the election law.

IN WITNESS WHEREOF I have hereunto set my hand the day and year placed opposite my signature.

Date	Name of Signer	Residence	Election District	Assembly District
1. 8/13 1939	Ethel Rosenberg	111 So. 3rd St. County of Kings	11	14 A.D. County of Kings
2. 8/13 1939	Sam Jagann	101 Grand St. County of Kings	2	14 A.D. County of Kings
3. 8/13 1939	Stella H. Bogarsky	111 So. 3rd St. County of Kings	11	14 A.D. County of Kings
4. 8/13 1939	Anthony Mureika	17 Fillmore Pk. County of Kings	9	14 A.D. County of Kings
5. 8/13 1939	Paul Thysot	358 Wythe ave County of Kings	1	14 A.D. County of Kings

STATE OF NEW YORK
CITY OF NEW YORK } SS:
COUNTY OF KINGS

J. Hrynchuk being duly sworn, says: I am a duly qualified voter of the
(Name of witness to signers of petition)
State of New York and now reside at 118 So. 3rd St. in the County of Kings in the
(Fill in street and house number)

City of New York, in the State of New York. I was last registered for the general elections in the year _____ from
118 So. 3rd St. in City of New York County of Kings in such State. I know
(Fill in street and house number where you live)

each of the voters whose names are subscribed to the above sheet of the foregoing petition containing 5 signatures
(Fill in No.)
and each of them subscribed the same in my presence and upon so subscribing declared to me that the foregoing statement, made and subscribed by him or her, was true.

Sworn to before me this SEP
day of SEP, 1939

Notary Public John Hrynchuk County No. 124

Commission expires SEP 30 1941 19

(Signature of Witness)

Saturday

June 1946

I

I have a very approximate statement
to the F.B.I.

1. I stated that I was in
at 10:15 P.M. King St. area
that I had been there
later because I didn't remember this but
I didn't remember this but
When he came
back again I told him that I
gave him the envelope and
that I gave him the envelope and then he
gave me an envelope later I found
that it contained \$500.

2. I told them that on March
10 or 11 in Nov-1944 my wife told me
me if I would give information I would
have to tell the F.B.I. that she was
transmitting this info from my back
in the future and I was not for sure
idea. She was doing this because
she felt I would be angry if I

65-58236 Q39 BE

FBI

II

he didn't ask me.

I then mentioned a meeting with
a man who I ~~didn't~~ didn't
arrange. I, Julius, I established
the approximate meeting place but
~~from~~ no exact date. The place
was a car and I believe it was
my father-in-law, ~~at~~ somewhere
above 42nd st on 1st Ave.
Man. I talked to the man
but I could recall very little
about what he spoke of. I think
it might be that he was
to think about something
H.E. (son), used to perform
data tests to determine data on
a bomb.

I made a general statement
my age etc. you know the
usual thing.

I mentioned ~~no~~ no other meeting

65-58236 Q39 BE

FBI

III

with my own.

One interesting thing I identified
Gold as being an old piece of
metal, but I could not tell where
it had come from. Also I definitely
placed my finger out of the room
to show that I was not in it.

Also I do not know who said
Gold was in the room.

I also made a pencil sketch of
my hand and put it up for an
impression. But this I will tell you
honestly was the information
I gave Gold when he was first at
the airport I read in the statement.

65-58236 Q 39 BE

Saturday

June 1940

I

These are my approximate statements
to the J.B.I.

1. I stated that I met [redacted]
at 1017 K. High St. [redacted]
that I had [redacted] [redacted]
later because I didn't [redacted]
I didn't remember [redacted] This [redacted]
[redacted] When [redacted]
[redacted] I told [redacted] [redacted] &
gave him [redacted] [redacted]
not expected [redacted] and then he
gave me an envelope later I found
that it contained \$500.

2. I told them that on [redacted] I
was in Nov 1944 my wife [redacted]
me if I would give information I would
have to tell the J.B.I. that I was
transmitting this info from [redacted]
in [redacted] and was not [redacted]
idea. She was doing this because
she felt it would be [redacted] if [redacted]

II

she didn't ask me.

I then mentioned a meeting with
a man who I ~~don't~~ didn't know
arranged by Julius. I established
the approximate meeting place but
~~know~~ no exact date. The place
was a car camp I believe owned by
my father-in-law, ~~etc~~ somewhere
above 42nd st on 1st Ave in
Manh. I talked to the man
but I could recall very little
about what he spoke. I thought
it might be that he wanted me
to think about finding out about
H.E. lens' use in experiment
data tests to determine data on the
G bomb.

I made a general statement on
my age etc. you know the
usual thing.

I mentioned ~~no~~ no other meeting

65-58236

Q79 BE



III

with anyone.

I did see something I identified
Gold as a torn or cut piece of
card, but I didn't tell them where
or how I got it. Also I definitely
placed my wife out of the room
at the time of Gold's arrest.

Also I didn't know who sent
Gold to me.

I also made a pencil sketch of
an I.O.E. mail set up for an
appointment. But this I'll tell you
I can honestly say the information
I gave Gold was based not at
all what I said in the statement.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

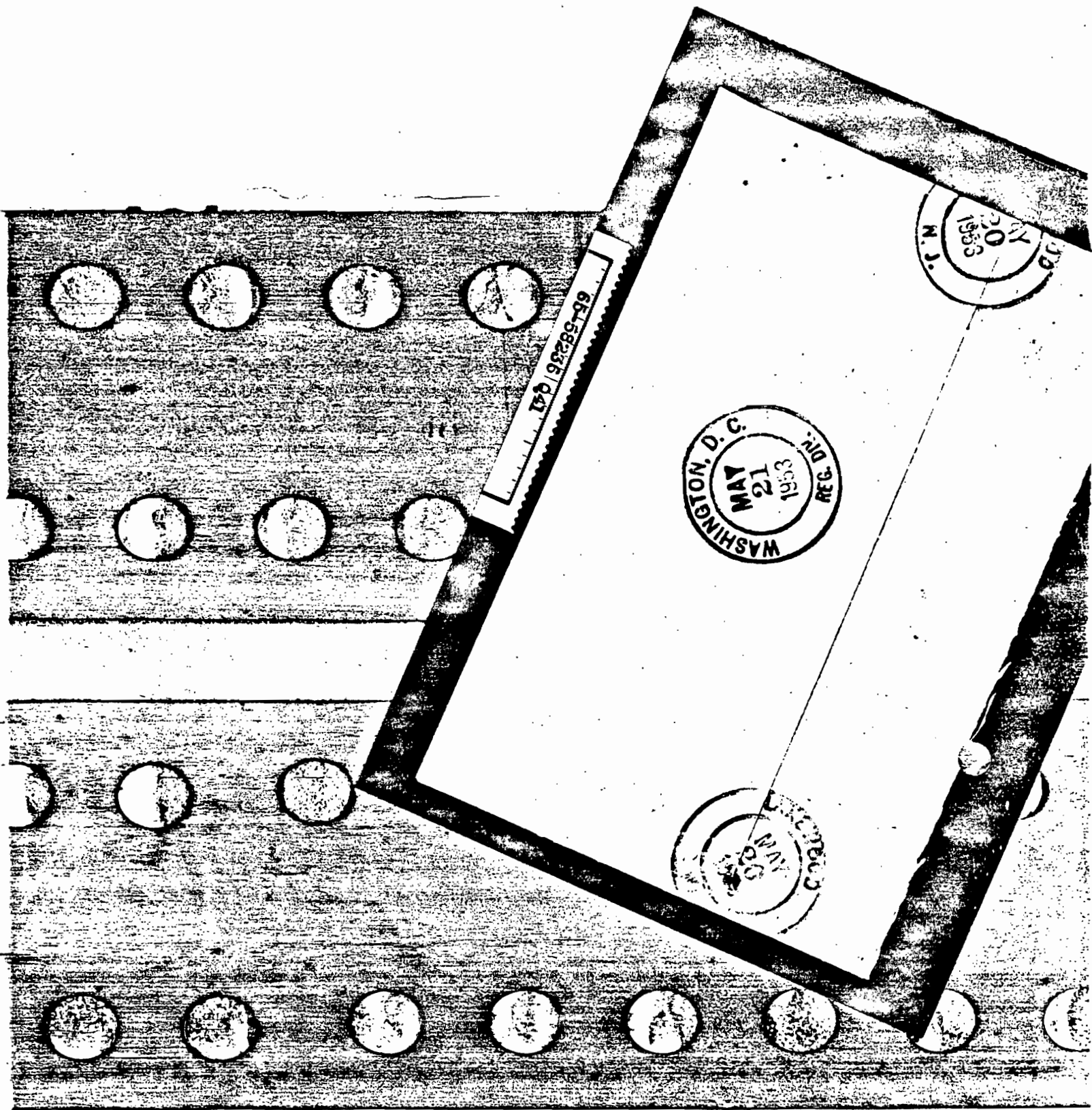
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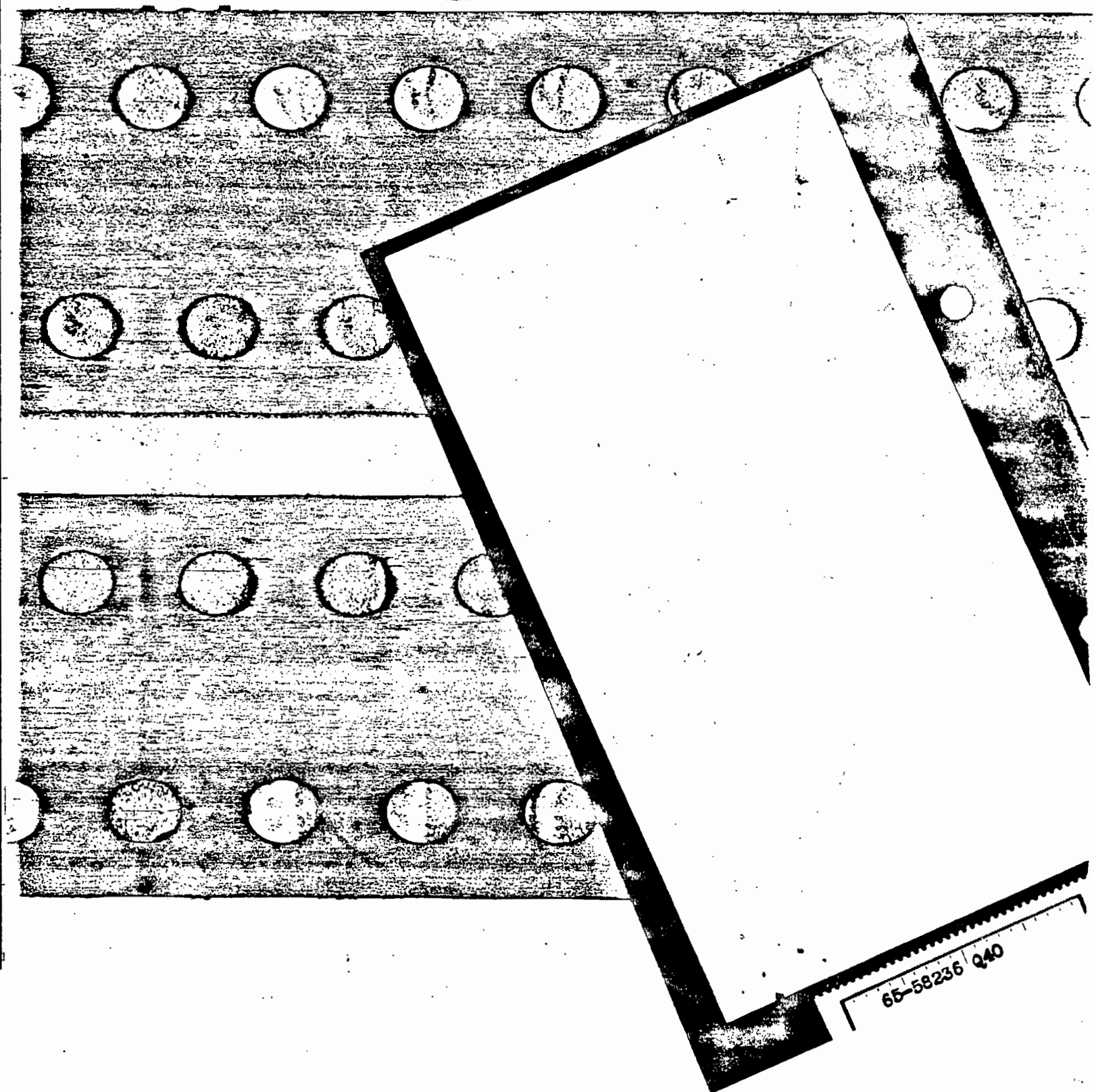
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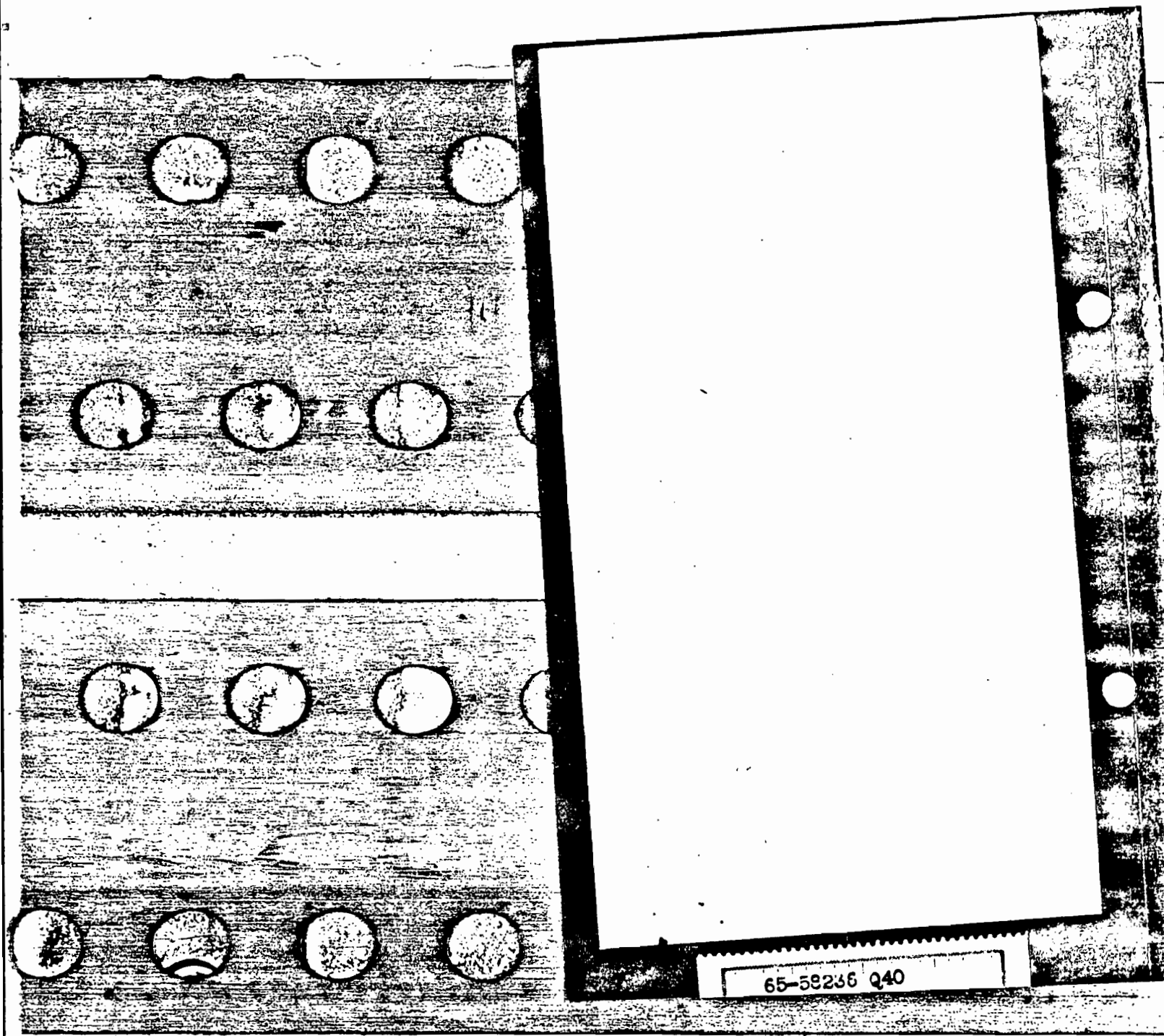
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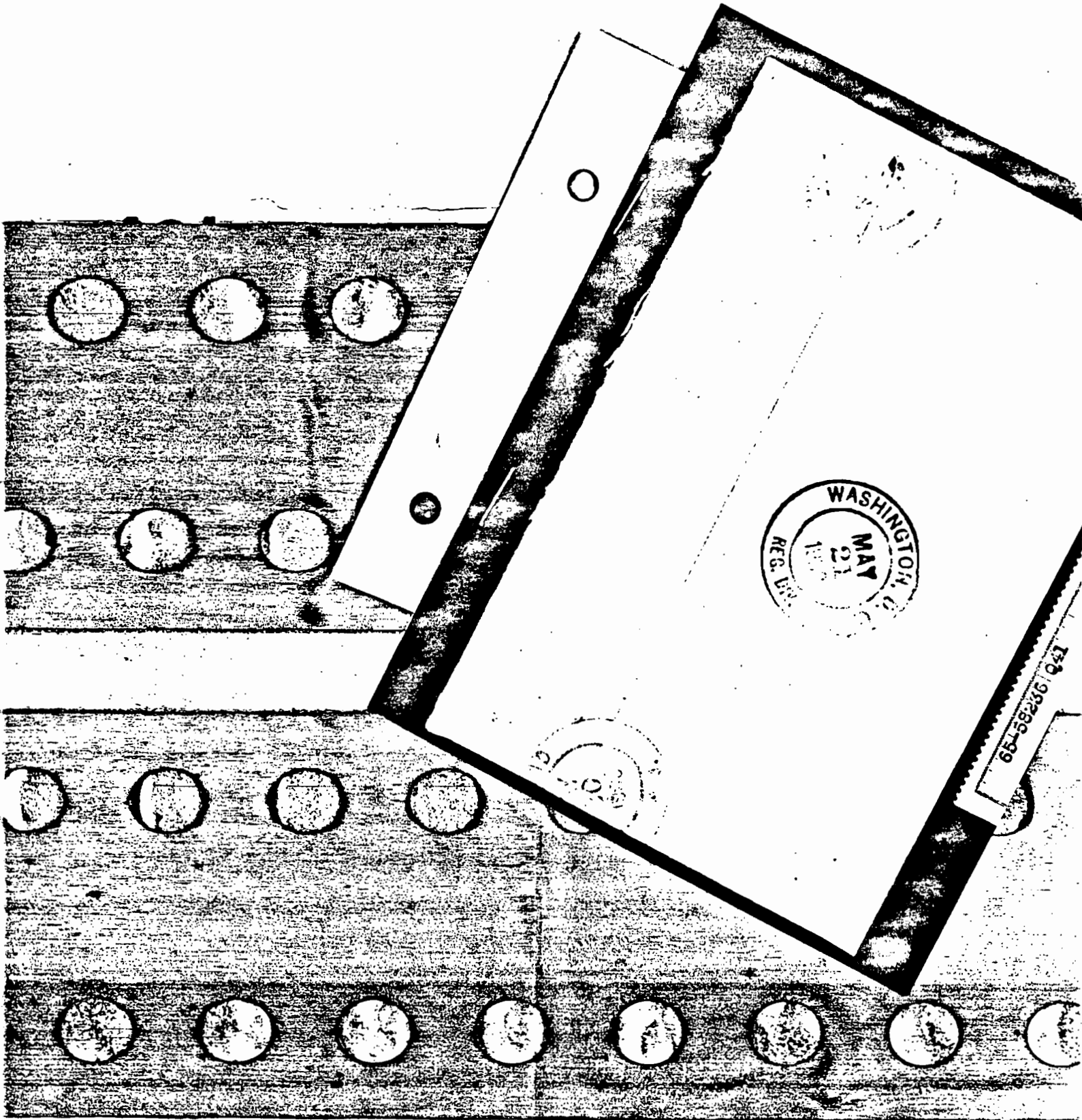
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65-58236 Q40





WASHINGTON
MAY 21 1965
REG. U.S. MAIL

65-58236 Q41

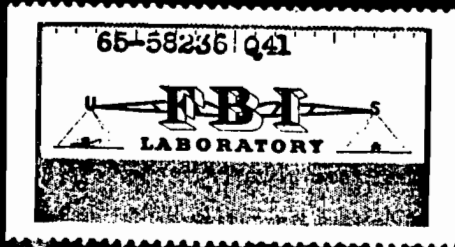
M. Rosenberg
95 B Back
P.O. Box 1401
Farmingdale, New York

REGISTERED

7535

President Eisenhower
White House
Washington D.C.

Personal



SAVE THE EASY WAY
BUY U.S. BONDS ON
PAYROLL SAVINGS

President Dwight D. Eisenhower
White House
Washington, D.C.



Personal

M. Kennedy
97 B. Franklin
100 100 100 100
100 100 100 100

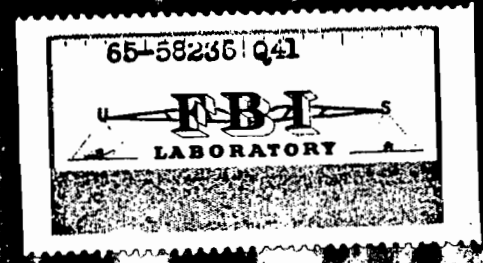


7535

President Eisenhower
White House
Washington D.C.



Personal

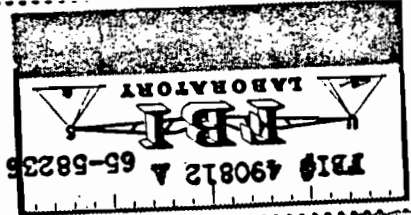


SAVE THE EASY WAY
BUY U.S. BONDS ON
PAYROLL SAVINGS



President Dwight D. Eisenhower
White House
Washington, D.C.

Personal



3325

490 812 A

LEAVE THIS SPACE BLANK

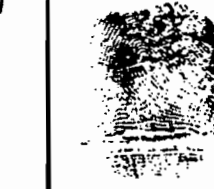
FEMALE

Name **MASTER** **ROSENBERG** **ETHEL**
(Surname) (First name) (Middle name)
(Please type or print plainly)

Class. 16 M 17 W TDO 11
14 3 W MIO
Ref. _____

Align
No. 1113-5 Color W Sex F

RIGHT HAND

1. Thumb	2. Index finger	3. Middle finger	4. Ring finger	5. Little finger
				

LEFT HAND

6. Thumb	7. Index finger	8. Middle finger	9. Ring finger	10. Little finger
				

Impressions taken by [Signature]
(Signature of official taking prints)

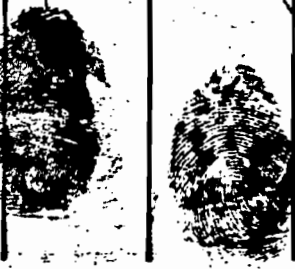
Note amputations _____

Signature of person fingerprinted:
Ethel Rosenberg

Date 8-11-50

Four fingers taken simultaneously

Left thumb Right thumb



DO NOT FOLD THIS CARD



SECURITY FLASH
FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

Record from U. S. Marshall, D.D.N.I. Address NEW YORK N.Y.
(On the above line please state whether Police Department, Sheriff's Office, or County Jail)

Date of arrest 8-11-50
Charge CONSPIRACY TO INVOLVE INTERVENTION 252 - THINKING TO HAVE DEFENSE TO A FOREIGN GOVT
Disposition of case Pending
Residence 10 MONROE ST NYC
Place of birth NY City
Nationality American
Criminal specialty _____

F. B. I. NO.

Age 34 Date of birth Sept 18-1915
Height 5'7 1/2" Comp. B Hair Thorn
Weight 120 Eyes Blue Build S
Scars and marks _____

CRIMINAL HISTORY

NAME	NUMBER	CITY OR INSTITUTION	DATE	CHARGE	DISPOSITION OR SENTENCE
<u>7-11-51-2</u>					
<u>8-14-50-2</u>					
		<u>DETENTIONED</u>			
		<u>2-7-51</u>			

ACCOMPLICES

NAME	NUMBER	NAME	NUMBER	NAME	NUMBER

(Please furnish all additional criminal history and police records on separate sheet)

CL. CH. SPINNY LEAD
RES. 3.7.51

1951 5 5 1 3
OCT 3 1950 4 5 1 2



FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

Record from _____ Address F. B. I. New York, N.Y.C.
(On the above line please state whether Police Department, Sheriff's Office, or County Jail)



Date of arrest August 11, 1950
Charge Violation Title 50, Sec 34, U.D.C.
Disposition of case T.O.T. U.S. MARSHAL
S.D.N.Y. (BAIL \$100,000)
Residence 10 Monroe St, Apt 6E-11
Place of birth N.Y. City
Nationality U.S.A.
Criminal specialty _____

F. B. I. NO. _____

Age 34 yrs Date of birth 9-28-15
Height 5'2 1/2" Comp. fair Hair black
Weight 120 lbs Eyes hazel Build medium
Scars and marks _____

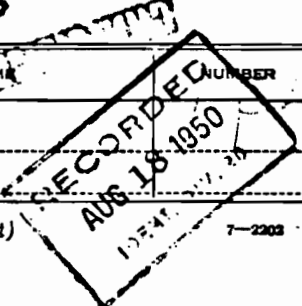
CRIMINAL HISTORY

NAME	NUMBER	CITY OR INSTITUTION	DATE	CHARGE	DISPOSITION OR SENTENCE
		DUP	8/1		

ACCOMPLICES

NAME	NUMBER	NAME	NUMBER	NAME	NUMBER

(Please furnish all additional criminal history and police records on separate sheet)





5000

490 812 A

LEAVE THIS SPACE BLANK

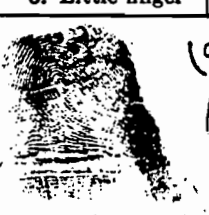
FEMALE

Name **MASTER** **ROSENBERG** **ETHEL**
(Surname) (First name) (Middle name)
(Please type or print plainly)

Alias _____
No. 1113-5 Color W. Sex F

Class. 16 M 17 W 100 11
14 3 W MID
Ref. _____

RIGHT HAND

1. Thumb	2. Index finger	3. Middle finger	4. Ring finger	5. Little finger
				

LEFT HAND

6. Thumb	7. Index finger	8. Middle finger	9. Ring finger	10. Little finger
				

Impressions taken by C. H. Parns dyt
(Signature of official taking prints)

Date 8-11-50
Four fingers taken simultaneously

Note amputations _____

Signature of person fingerprinted:
Ethel Rosenberg



Left thumb Right thumb



DO NOT FOLD THIS CARD

16-58235-1 U. S. GOVERNMENT PRINTING OFFICE



F. B. I. Field Office **SPECIAL**

490 812 A

FEMALE

Name **ROSENBERG** **ETHEL**

SURNAME

GIVEN NAME

MIDDLE NAME

(Please type or print plainly)

Classification **15 M 17 W 100 12**

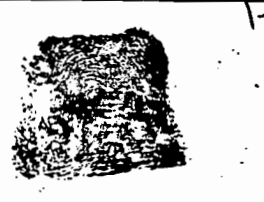
Reference **M 3 W MIO**

No. **65-15348** Color **WHITE** Sex **FEMALE**

RIGHT HAND

1. Thumb	2. Index finger	3. Middle finger	4. Ring finger	5. Little finger
				

LEFT HAND

6. Thumb	7. Index finger	8. Middle finger	9. Ring finger	10. Little finger
				

Impressions taken by: **William F. Norton Jr.**
(Signature of official taking prints)

Note amputations

Signature of person fingerprinted

Date impressions taken **August 11, 1950**

1/18/51 Four fingers taken simultaneously
Left Hand

Left thumb Right thumb

Four fingers taken simultaneously
Right Hand

PLEASE DO NOT FOLD THIS CARD

U. S. GOVERNMENT PRINTING OFFICE 7-2388

LABORATORY
FBI
THIS 490812 A 65-58235

F B I. Field Office **SPECIAL**

490 812 A

FEMALE

Name ROSENBERG ETHEL

SURNAME

GIVEN NAME

MIDDLE NAME

(Please type or print plainly)

Classification 15 M 17 W IOO 12

Reference M 3 W MIO

No. 65-15348

Color WHITE

Sex FEMALE

RIGHT HAND

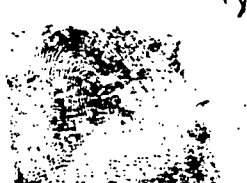
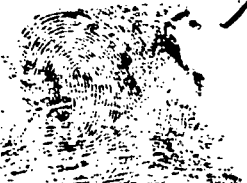
1. Thumb

2. Index finger

3. Middle finger

4. Ring finger

5. Little finger



LEFT HAND

6. Thumb

7. Index finger

8. Middle finger

9. Ring finger

10. Little finger



Impressions taken by:

William F. Norton Jr.
(Signature of official taking prints)

Note amputations

Signature of person fingerprinted

Ethel Rosenberg

Date impressions taken August 11, 1950

1/18 Four fingers taken simultaneously

Left Hand

Left thumb

Right thumb

Right Hand

Four fingers taken simultaneously



PLEASE DO NOT FOLD THIS CARD

U. S. GOVERNMENT PRINTING OFFICE 7-5288

LABORATORY
FBI
FBI 490812
65-58235

FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

Record from

Address

(On the above line please state whether Police Department, Sheriff's Office, or County Jail)

New York, N.Y.
F.B.I.
Date of arrest *August 11, 1950*
Charge *Violation Title 50, Sec 34, U.S. Code*
Disposition of case *T.O.T. U.S. 14925196*
S.D.N.Y. (BAIL \$100,000)
Residence *10 Monroe St, Apt 6E-11*
Place of birth *N.Y. City*
Nationality *U.S.A.*
Criminal specialty

F. B. I. NO.

Age *34 yrs* Date of birth *9-28-15*
Height *5'2 1/2"* Comp. *fair* Hair *black*
Weight *120 lbs* Eyes *hazel* Build *medium*
Scars and marks

CRIMINAL HISTORY

NAME	NUMBER	CITY OR INSTITUTION	DATE	CHARGE	DISPOSITION OR SENTENCE
		DUP			

ACCOMPLICES

NAME	NUMBER	NAME	NUMBER	NAME	NUMBER

(Please furnish all additional criminal history and police records on separate sheet)

7-2202



SECURITY FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE
FLASH WASHINGTON, D. C.

Record from U. S. MARSHAL, S. D. N. Y. Address NEW YORK N. Y.
(On the above line please state whether Police Department, Sheriff's Office, or County Jail)

SEND COPY TO
PROBATION OFFICE
207 U. S.
SOLEY ST
(PLEASE PASTE PHOTO HERE)

Date of arrest 8-11-50
Charge CONSPIRACY TO DIVULGE INFORMATION, SEA-
THINING TO MAIL OFFENSE TO A
FOREIGN GOVT
Disposition of case Pending
Residence 10 MONROE ST NYC
Place of birth NYC
Nationality American
Criminal specialty _____

F. B. I. NO.

Age 34 Date of birth Sept 18-1915
Height 5'7 1/2 Comp. 5 Hair Brown
Weight 120 Eyes Blue Build S
Scars and marks _____

CRIMINAL HISTORY

NAME	NUMBER	CITY OR INSTITUTION	DATE	CHARGE	DISPOSITION OR SENTENCE
<u>7-11-50</u>	<u>5-11-50</u>	<u>NEW YORK</u>	<u>8-11-50</u>	<u>CONSPIRACY TO DIVULGE INFORMATION, SEA- THINING TO MAIL OFFENSE TO A FOREIGN GOVT</u>	<u>Pending</u>
<u>8-14-50</u>	<u>3-14-50</u>	<u>NEW YORK</u>	<u>8-14-50</u>	<u>CONSPIRACY TO DIVULGE INFORMATION, SEA- THINING TO MAIL OFFENSE TO A FOREIGN GOVT</u>	<u>Pending</u>

ACCOMPLICES

NAME	NUMBER	NAME	NUMBER	NAME	NUMBER

(Please furnish all additional criminal history and police records on separate sheet)

CL. CH. GRIMLY LEAD
RES. 3-7-51

1951 OCT 3 1950 4 5 1 3